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STATEMENT
OF
PARDONS, PAROLES AND
COMMUTATIONS OF
SENTENCE

GRANTED BY
GOVERNOR JOHN G. RICHARDS

DURING THE YEAR 1930



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JOINT COMMITTEE ON PRINTING
GENERAL ASSEMBLY OF SOUTH CAROLINA

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LETTER OF TRANSMITTAL

State of South Carolina, Executive Chamber

Columbia, January 20, 1931.

Gentlemen of the General Assembly:

I have the honor to transmit to you a report of the Pardons, Suspended Sentences, Commutations and Reprieves granted by me during the year 1930, and from the first of January, 1931, through the 20th of January, 1931.

Respectfully submitted,

JOHN G. RICHARDS,
Governor.

PAROLES AND SUSPENDED SENTENCES, DURING GOOD BEHAVIOR

ABELE, RUSSELL R.: Aiken County. Sentence Suspended, during good behavior, on December 15, 1930.

Abele's offense was Bigamy. He pleaded guilty, and was given a sentence of eighteen months. Of this he served seven months, during which time his prison record was excellent.

Abele came to Aiken County, from Pennsylvania, in the Fall of 1929. Two years prior to the time he had separated from his wife, and she had instituted Divorce proceedings. These were granted within a week after Abele was arrested, and when he married his second wife she knew all of the facts with regard to the first marriage.

My action in suspending this sentence was supported by favorable recommendations from the trial Judge, the Solicitor, Officials of the City of Aiken and Aiken County, who, in view of the facts involved in the case, felt that the time Abele had served was sufficient punishment for him.

ALEXANDER, JOE: Chester County. Sentence Suspended, during good behavior, on December 30, 1930.

Alexander, a negro, was sentenced to serve six years for Manslaughter. It was thought by a good many good citizens of Chester that his sentence was excessive.

In addition to the numerous signed petition presented to me, signed by the Sheriff and other Officers who knew Alexander, and his former record, also his good conduct as a prisoner, during the three years he served in the County Jail, Sheriff J. G. Howze made the following statement in his behalf:

"I, J. G. Howze, am Sheriff of Chester County, and have been for seven years. I know Joe Alexander, and knew Lawrence Crosby, who was killed by Alexander. Alexander was known to be a peaceable man, and quiet, and had never before given the Officers of this County any trouble. On the other hand, Lawrence Crosby had been in other difficulties before, and had been under arrest several times for fighting and disorderly conduct."

ALLEN, JAMES, SR.: Lancaster County. Convicted of Murder and sentenced to the electric chair. Death sentence commuted to life imprisonment by Governor Cooper on July 12, 1919. Paroled by me during good behavior on February 11, 1930.

Allen, a Lancaster County negro, was tried before Judge Frank B. Gary for the murder of Brown Simpson, white, the homicide having taken place on August 4, 1918, as a result of a quarrel over some crops, there having previously been no ill will between the two, according to the records in my office.

The petition asking for a parole in this case was signed by Ex-Sheriff Hunter, Sheriff Dabney, the Chairman of the County Board of Commissioners, and other well known citizens of Lancaster County, including Hon. Roach S. Stewart, appointed by the Court to defend Allen. Before his death, Judge Gary wrote an undated letter from Abbeville, recommending that Allen's sentence be changed from death to life imprisonment. Judge J. K. Henry, who while Solicitor, prosecuted the case, stated that while he could not recall all of the particulars, he would interpose no objection to a parole. The Board of Pardons recommended a parole, agreeing with Judge Gary that really this was a case of manslaughter and not murder.

Allen served until February, 1926, in the State Penitentiary, and was transferred at that time to the Lancaster County Gang by Governor McLeod.

It is clear that the trial Judge believed this to be a case of Manslaughter, and, after carefully considering this case, I came to the conclusion that the ends of justice would be met by paroling, during good behavior, this man who had been in the shadow of the electric chair, and who had served over ten years. I, therefore, granted him a parole on February 11th, 1930, during his good behavior.

BIRD, CHARLES H.: Cherokee County. Convicted of violating the Prohibition Law and sentenced on November 23, 1929, to twelve months. Sentence suspended on September 23, 1930.

In this case a petition was placed before me, signed by officials and well-known citizens of Cherokee County, asking for clemency, and stating that Bird was truly repentant, and that his wife and children were in destitute circumstances. This alone would not have caused me to extend clemency to him but, in

view of the fact that the trial Judge, Hon. J. Henry Johnson, who is most careful in his recommendations, thought clemency proper in this case, and that Solicitor Blackwood recommended a parole after the service of six months, and that Bird had served nine months, I felt that the ends of justice would be met by suspending the remaining three months, during good behavior. I also felt that this sentence hanging over his head would deter Bird from again entering the illegal business of selling liquor.

BRAZZELL, RAEFORD: Kershaw County. Convicted of Non-Support of his Wife and Child.

Brazzell, was sentenced to serve one year, or to pay a fine of six hundred dollars, but after he had served about nine months, and established a good prison record, I issued an order Suspending his Sentence, during good behavior, on condition that he support his family, and that he report to the Sheriff of Kershaw County every three months. This was done upon recommendation of the Board of Pardons, the trial Judge, the Solicitor, and a number of reputable citizens of the County, including the Sheriff, who felt that Brazzell would take care of his family in the future if given the chance. The wife also joined in the prayer of the petitioner.

BRIDWELL, LEE: Spartanburg County. Convicted of House-breaking and Larceny, and sentenced on July 25, 1928 to three years. Bridwell began the service of his sentence on July 30, 1928. Sentence Suspended on May 13, 1930.

On May 4, 1929, Solicitor Blackwood recommended a parole, after the service of one year, and Judge Sease, on December 16, 1929, recommended a pardon. A number of well known Spartanburg citizens, including several officials of the county, recommended clemency, stating that this was Bridwell's first offense.

Bridwell is a one armed man, who was charged with entering a store and carrying away merchandise of value not exceeding twenty dollars. It was represented to me that his wife and two young children were in real need, and in view of the fact that he had served almost two years of his three year sentence—considerably longer than recommended by the trial Judge

and Solicitor—I felt that to suspend the remainder of the sentence during good behavior, so that he might support his wife and children, and have this suspended sentence held over him, to insure his going straight until he could overcome whatever tendency he might still have to go wrong, would not only meet the ends of justice but would be an act of mercy to him and his family.

BROCK, J. O.: Spartanburg County. Convicted of Assault and Battery, on two counts, and was sentenced on November 9, 1928, on the first count, to one year, and on May 14, 1929, to sixty days on the second count, the sentences running concurrently. He began serving his sentence in the State Penitentiary on May 20, 1929.

The Solicitor recommended that Brock be paroled when he had served six months, and Judge Ramage, who presided at the trial, concurred in this. The Penitentiary officials gave Brock a good prison record.

This young white man was tried in his absence and it is set out in the petition, signed by an unusually large number of Spartanburg citizens, that, in their opinion, had he been present he would have been acquitted. It was further shown to me that he had a wife dependent on him for support.

In view of these facts, and the fact that Brock had served considerably over half of his sentence, I issued an order on January 18, 1930, suspending the remainder of his sentence during good behavior.

BROWN, JAKE: Colleton County. Sentence Suspended, during good behavior, on April 16, 1930.

Brown, a negro, was sentenced to serve from three to six years, for Manslaughter, and began serving on September 21, 1928. He made a good prisoner, and it seems that there were extenuating circumstances connected with the homicide. For this reason the trial Judge and the Solicitor recommended that Brown be paroled. A petition in his behalf was also presented to me, signed by numerous good citizens of Colleton County who were familiar with the circumstances connected with the killing.

BRUCE, ARCHIE E.: Florence County. Convicted of Man-slaughter, and sentenced to serve ten years. Bruce was granted a Suspension of his Sentence on November 19, 1930, on condition that he report to Mr. Walter Poston, a Rural Policeman in his home community, and also to Senator E. L. Ard. At the time he had served one year, and had established a good prison record.

This clemency was actuated by the dictates of humanity, and sympathy for the man's family. His wife had Pellagra, and it was necessary for her to go to a hospital for treatment. The children would have had no one to look after them during her absence, and she could not have gone had it not been that her husband was allowed to go home to minister to them. I hope that the punishment Bruce received, and the mercy extended to him, as well as the six years of his sentence unserved, and hanging over him in case he again errs, will prove sufficiently strong to keep him straight in the future.

BURCKHALTER, GEORGE: Aiken County. Convicted of Violation of the Prohibition Law, and sentenced May 6, 1927, to six months. Sentence Suspended, on May 23, 1930, during good behavior.

Burckhalter appealed to the Supreme Court, and did not begin the service of his sentence until February 12, 1930.

I granted clemency in this case primarily because of the physical condition of Burckhalter, based on a certificate from Dr. J. R. Howell of Aiken, stating that he was received at the Aiken County Hospital on April 10th, and dismissed May 2nd, that he was suffering with acute appendicitis, that he, Burckhalter, could not do any hard work, and should undergo an operation.

The trial Judge, Honorable H. F. Rice, Solicitor Carter, the twelve jurors, the Board of Commissioners of Aiken County, and the Captain of the Chain Gang, recommended that if Burckhalter was physically unfitted to work that his sentence be suspended. The trial jurors also signed a petition stating that in their opinion he merely had the whiskey to drink, and was not a seller or handler of liquor. A large number of Aiken County citizens signed a petition asking for clemency in this case.

In view of these facts, and for the reason that he was a burden and expense to Aiken County, I felt that the proper and merciful thing to do would be to suspend the remainder of his sentence during good behavior, so that he might return to his family, and receive the needed medical and surgical attention.

BURNETTE, FRED: Spartanburg County. Sentence Suspended, during good behavior, on January 2, 1931.

Burnette's physical condition actuated me in extending mercy to him, rather than any merit, otherwise, in his appeal, although he was only seventeen years old at the time he was convicted of Manslaughter, and sentenced to serve four and a half years. His health was so bad that he was unable to serve his sentence, and, according to statements filed with me by a half-dozen physicians, who sought clemency for him, Burnette's life could not have been spared had he remained in prison. The case aroused a great deal of interest, and a number of reputable citizens of Spartanburg signed his petition for relief. At the time his sentence was suspended he was in a Tubercular Sanitarium for treatment, and his family agreed to see that he continued to receive the proper care and treatment, without expense to the State.

The Board of Pardons recommended that Burnette be granted a suspension of his sentence, after reviewing his appeal, basing their recommendation upon his physical condition.

Reference to my 1929 report will disclose the fact that in July, 1929, I granted a suspension of sentence for Burnette, until such time as he might be physically able to serve his sentence. The Suspension granted in 1930, therefore, was merely to give Burnette the benefit of a full Suspension of his Sentence, with the understanding that the Governor of the State should be the Judge of his behavior.

BURNS, DEWEY: Oconee County. Sentence Suspended, during good behavior, on January 16, 1931.

Neither the Judge, Solicitor or Board of Pardons recommended clemency in this case, but a petition was presented to me by the Honorable W. P. Mason, a member of the House from Oconee County, signed by Sheriff Thomas, Deputy Sheriff

Massey, Magistrate Myers, the Chief of Police, and the Foreman and several members of the Jury who convicted Burns, stating that this was Burns' first offense, that he had a dependent family, and that they believed the ends of Justice would be met by the six months service he had given on the Chain Gang.

Burns had been convicted of Violating the Prohibition Law, and was sentenced to serve ten months.

CALDWELL, ALBERT: Dorchester County. Convicted of Burglary, and sentenced to serve from Nine to Eighteen Years.

Caldwell had previously been convicted of Highway Robbery, and was serving a sentence of three years when he was granted a parole during good behavior, in September, 1924, and later Pardoned. The tragic circumstances connected with his return to the Penitentiary, after his conviction for the crime of Burglary, are well known throughout South Carolina.

After Caldwell had served five years of this latter sentence, he presented to me a voluminous petition, bearing the favorable recommendation of the trial Judge, the Solicitor, Mr. Hydrick, the Superintendent of the Penitentiary, who stated he had made an excellent prisoner, and a number of citizens of the State who were interested in his case, and his evident desire to make good if given yet another chance. I referred this petition to the Board of Pardons, along with the record of his former petition and release, and received the following report from the Board after they had granted Caldwell an interview, and had considered his appeal:

"Upon the very favorable impression made upon the Board by the personal appearance of the prisoner, and the conviction of the members of the Board that Caldwell has the ability and education to make a most useful citizen, and apparently at this time a desire to do so, upon the many recommendations contained in the file, and in spite of his conviction for a previous offense, the Board is of the opinion that this prisoner should have another opportunity. It therefore recommends the suspension of his sentence."

On September 19, 1930, I issued an order Suspending the sentence of Caldwell, on condition that he leave the State of South Carolina.

CALHOUN, WILLIE: Greenwood County. Sentence Suspended, during good behavior, on November 25, 1930, after thirteen months of a two year sentence had been served, with a good prison record established.

Judge M. M. Mann, who presided at the trial recommended clemency for Calhoun, stating that while he considered the Jury's verdict of Manslaughter correct, and he could do nothing other than impose the two years service, it was only a case of Technical Manslaughter. The trial Solicitor, Mr. Blackwell concurred in this recommendation, and when the appeal was presented to the Board of Pardons they made a favorable recommendation.

In view of the statement of the Judge, and the recommendations on file in my office in behalf of this petitioner, his good record, otherwise, and the fact that his offense against the law was only a technical one, I felt that he had been sufficiently punished.

CHILDRESS, CORRELL, and SAM COX: Pickens County. Sentence of both Suspended, during good behavior, on December 20, 1930.

These petitioners were young men, who had previously borne good reputations. They pleaded guilty of Violating the Prohibition Law, however, and were sentenced to serve six months each, with three months suspended, during good behavior.

The trial Judge, Judge T. J. Mauldin, and Solicitor Leatherwood, recommended clemency for Cox and Childress, stating that they believed the real purpose of passing sentence upon them had been accomplished by the two months punishment they had received and that they would not again violate the law.

CLIPPARD, HERMAN: Greenville County. Sentence Suspended, during good behavior, on December 24, 1930.

The trial Judge, the Solicitor, the Board of Pardons, and a number of citizens of Greenville recommended the release of this young man. He, Clippard, along with another boy, had rented a cheap Ford car, and did not return it. Clippard contended he was not responsible for the retention of the car. However,

upon trial he was convicted, and sentenced to serve three years. He served nine months in the Penitentiary, and the Superintendent states that while he was there he was an unusually good prisoner. The man who prosecuted him also requested his release, voicing the belief that he had been sufficiently punished.

CLYDE, DEAN: Newberry County. Sentence suspended, during good behavior, on May 6, 1930.

Dean pleaded guilty of House-breaking and Larceny, and was sentenced to serve twelve months on October 22, 1929, on which date he entered the Penitentiary. He is a young white boy, and at the time of his trial he objected to pleading guilty, according to information placed before me, but was advised to do so by his Counsel. He states that he did not actually take part in the house-breaking, but was present when it was done. The trial Solicitor stated, in Dean's behalf, that, in his opinion, the influence of whiskey caused Dean to be mixed up in the affair, and recommended his release. The trial Judge also recommended clemency, and the Prosecuting Witness requested that Dean be Pardoned. In view of the youth of this petitioner, the recommendations favorable to him, and the small part he played in the theft, I felt that the service of six months was sufficient punishment for him.

COLEMAN, ARTHUR: Greenville County. Sentence Suspended, during good behavior, after March 19, 1932. This order was issued on January 2, 1931, but the suspension of sentence will not become operative until after the date named, when Coleman will have served twelve years.

The case of Coleman is well known throughout the State. He was sentenced to die by Electrocution during the year 1919, but his death sentence was commuted to Life Imprisonment by former Governor R. A. Cooper, for the reason that the evidence showed that the Jury could well have found a verdict of guilty of Manslaughter, or at least Murder, with recommendation to Mercy.

Soon after Coleman was sent to the State Farm to serve his life sentence he jeopardized his own life by attacking one of the prisoners who killed a guard at the State Farm. While

Coleman's efforts were not successful in saving the guard's life, his deed in his brave attempt to do so was heroic. In addition to this fact, he has made a faithful servant to the State, and has been an excellent prisoner during his incarceration.

In view of the above facts, I felt that Coleman was entitled to some consideration, and that I would be justified in issuing an order releasing him after he has served the twelve years, leaving, of course, the remainder of his sentence suspended over him in case he again errs.

COOK, IRA and MAMIE: Lexington County. Sentence Suspended, during good behavior, on December 16, 1930.

This case, involving the murder of the father of these two children, attracted a great deal of interest and revulsion on the part of the public for the participants in such a horrible crime. The mother and a man, however, were the principals in the murder, and it is believed by many that Ira and Mamie were tools in the hands of their mother. They were in their early teens at the time of the Murder, and their mentality, according to Dr. C. Fred Williams, who examined them, is equal to that of an average child of six or eight years, and that they were, therefore, mentally deficient.

In addition to the recommendation of a vast majority of the good citizens of Lexington County, the Superintendent of the Penitentiary recommended the release of these petitions, vouching for their good conduct. Six of the Jurors recommended clemency, also, the trial Judge, and Solicitor Callison, who made the following statement when the case was submitted to him:

"It has been my purpose to voluntarily ask for the release of Ira Cook and his sister, Mamie Cook. While the crime with which they were charged was the most cruel and heartless of crimes, I am convinced that these young people were not altogether responsible for their act, and not mentally responsible. I have watched the development of these young people, and believe their confinement has been worth a great deal to them. Their mentality has wonderfully improved, and I think they have fully repented of their crime, and may now safely be set free."

COUCH, CLYDE: (Alias RED COUCH) Greenville County. Sentence Suspended, during good behavior, on January 3, 1930.

Couch's offense was Larceny, and he pleaded guilty. He was sentenced to serve three to six years on one count, and eighteen months to three years on the second. These charges grew out of the theft of two automobiles, both of which were recovered soon after being stolen, without being damaged.

Couch was only nineteen years old at the time he stole the automobiles. The trial Solicitor stated that the theft was really more for using these automobiles without the owner's consent than for stealing them, and that in view of the age of the young man, and the age of his parents, they being over sixty years old, he would recommend a suspension of sentence in both cases against Couch. The trial Judge concurred in this recommendation. Sheriff Bramlett also recommended clemency, and the Board of Pardons felt that service of three years would be sufficient punishment. He had served the three years when released.

COX, SAM: Pickens County. Sentence Suspended, during good behavior, on December 20, 1930.

For reasons, see write up of CORRELL CHILDRESS, a co-defendant, whose sentence was suspended the same day.

CRAWFORD, BROADUS: Greenwood County. Sentence Suspended, during good behavior, on February 11, 1930.

Crawford was sentenced to serve twelve months for Violating the Prohibition Law, in September, 1929.

A petition was placed before me signed by the Sheriff of Greenwood County, other County Officials, and well known citizens, stating that Crawford had served five months of his sentence, and that he had six small children, two of whom were out of school because there was no one but their mother to support them, and she could not secure work. I felt that a suspended sentence, during good behavior, would not only be an act of mercy in this case, but that it would probably make a better citizen of Crawford, and deter him from again engaging in the liquor business.

CROWE, A. R. (RAY): Spartanburg County. Sentence Suspended, during good behavior, on May 3, 1930.

Crowe had been convicted of House-breaking and Larceny, and Receiving Stolen Goods, and was sentenced to serve eighteen months, on April 30, 1929. He began serving on the Spartanburg County Chain-Gang on May 3, 1929.

This petitioner was an employee of the Montgomery-Ward Company of Spartanburg, and, along with two other young white men, was charged with entering the store of their employer. The petition stated that one of these men attempted the theft. Solicitor Blackwood recommended a parole for Crowe on the fourth of January, 1930, and the Board of Pardons also recommended clemency for him, after he had served one year, basing their recommendation upon the petitioner's youth, and the fact that the part he played in the crime was apparently small.

CUNNINGHAM, ROBERT: Greenville County. Convicted of Assault with intent to ravish and sentenced on January 6, 1916 to thirty-five years. Sentence Suspended on January 16, 1931.

Cunningham, while a young colored boy employed at the Greenville Woman's College, was found alone in the room of one of the students. No act was committed, and he claimed that he was innocent of any intent to commit a crime.

The Foreman of the Trial Jury and seven other members petitioned me to parole him, feeling he had been sufficiently punished.

The Chairman of the Board of Trustees, and Acting President of the Greenville Woman's College, on November 25, 1930, recommended a parole for Cunningham, this parole was also recommended by a number of well known colored ministers and other colored workers.

The Trial Judge is dead. The Trial Solicitor stated that he would not oppose a pardon if the prisoner had made a good record and served a reasonable length of time. The Superintendent of the Penitentiary reported his conduct good.

In view of all of these circumstances, and the fact that he has served over fifteen years, the Board of Pardons on January 9, 1931, recommended a parole.

Therefore, I felt all ends of justice would be met by giving this man another chance, and issued an order on January 16, 1931, suspending the remainder of his sentence during good behavior.

DAVIS, LAD: Greenville County. Sentence Suspended, during good behavior, on January 19, 1931.

This petitioner was a young negro boy, seventeen years old at the time of the homicide, which resulted in his being sentenced to serve two years for Manslaughter. It seems that the trouble occurred in a row where several negroes were involved, and that prior to the killing of the deceased by Davis, who was much older than Davis, he had killed Davis's brother.

Clemency in this case was recommended by the trial Solicitor, the Judge, the County Supervisor and Sheriff Bramlett, who felt that the service of one year was sufficient punishment.

DEMPSEY, HATTIE: Kershaw County. Sentence Suspended, during good behavior, on December 13, 1930.

I released this petitioner upon recommendation of Judge S. W. G. Shipp, who presided at the trial, and upon the following statement of Solicitor Spigner and Sheriff McLeod, giving the facts of the case:

"The petitioner, Hattie Dempsey, pleaded guilty to manslaughter at the October term of Court of General Sessions for Kershaw County, 1929. At the time of her pleading guilty, I promised her attorney, Mr. B. M. Smith, that after she had served *one year* of the two year sentence, I would recommend a parole, therefore, I take pleasure in doing so.

She has already served over one year and I recommend that she be paroled at once.

Yours truly,

A. F. Spigner, Solicitor."

"I would respectfully ask your favorable consideration of the petition for pardon, forwarded herewith, in behalf of Hattie Dempsey, a colored girl of Camden, now in jail in Camden, under a plea of manslaughter, made at the fall term of Court, 1929, at which she was given the minimum sentence

of two years, with the promise from the Solicitor that at the end of one year he would assist in an effort to secure a pardon for her.

The facts of the case, as they have come to my knowledge are, that the fight in which the homicide occurred took place in the room of Hattie Dempsey, in a Boarding House, in which she was staying in Camden; that the circumstances were such that the girl who died did not wish her prosecuted, and concealed until just before her death the fact that she had been wounded; and that if she had made known her condition earlier, her life might very probably have been saved. The wound was inflicted with a table knife. The girl, Hattie Dempsey, when charged with it, made no effort whatever to conceal her part in the transaction, and there seems to have been no intention on her part to commit a murder.

The girl, Hattie Dempsey, bears an excellent reputation in this community, and is very well regarded by Mrs. Davis, here, with whom she was engaged as cook.

The family to which Hattie Dempsey belongs is one of the most respectable, honest and hard working among the colored people of the community. They have lived for four generations on the Liberty Hill road, about five miles above Camden, S. C., originally part of the Knights Hill lands. They have always been regarded as unusually honest and industrious and the family has never given any trouble in the Courts of this County.

Since the girl has been in my custody as Sheriff of the County, she has made a model prisoner in every respect, and I believe, under the circumstances of the case, she has been sufficiently punished, especially in view of the promise made in the Court at the time as to the length of her sentence. I think a pardon should be granted to her.

Respectfully,

J. H. McLeod,
Sheriff, Kershaw County."

DIMMERY, A. B.: Marion County. Sentence Suspended, during good behavior, on October 2, 1930, upon a certificate from the Clerk of Court of Marion County to the effect that Dimmery had paid to him a fine of one hundred dollars.

Dimmery had been sentenced to serve three months for operating an automobile while under the influence of liquor. He is a young white, tenant farmer. The Jury recommended mercy for him, and eight of the Jurors asked for clemency in his behalf.

In addition to the recommendation of a number of good citizens in Dimmery's behalf, and the eight Jurors, clemency was sought for him by the trial Solicitor, the Clerk of Court and Sheriff of Marion County, and the trial Judge, who stated that he would have given Dimmery a fine instead of a prison sentence if he could have done so, and suggested that he be released upon the payment of a reasonable fine.

EVANS, JESSE: Marion County. Sentence Suspended, during good behavior, on January 15, 1931.

Evans was sentenced to serve five years for Manslaughter. He had served half of this, and during the two and a half years of his imprisonment he made an excellent record, according to the following testimonial in his behalf from the Chairman of the County Board of Commissioners:

"I wish to state that I have used Jesse Evans for about eighteen months as a trusty from the Chain-gang, as Assistant Janitor at the Court House, and Clerk's Office. I have found him to be trustworthy in every sense, and beg that you pardon him or suspend his sentence."

The trial Judge, the Solicitor, the Sheriff and other County Officers and citizens of Marion County also recommended clemency in this case.

FAIR, MELVIN: Greenville County. Sentence Suspended, during good behavior, on January 19, 1931.

Fair, a negro, eighteen years old at the time of the homicide, killed another negro by the name of Arthur Crouch, and received a Life sentence. The homicide occurred in a fight over a negro woman, and Fair had served since 1919 on the Greenville Chain-gang, where he made an excellent prison record, and rendered assistance to the Officers in the capture of escaping prisoners on several occasions. In addition to the recommen-

dation of a large number of good citizens of Greenville, clemency for Fair was recommended by the Solicitor who prosecuted him and the Board of Pardons.

FARMER, FRED E.: Anderson County. Sentence Suspended on November 12, 1930.

Farmer had served five months of a sentence of one year, imposed upon him for House-breaking and Larceny.

This seems to be another case of where a young boy was led astray by bad company. Farmer was implicated in the crime of entering a store and stealing certain articles. The owner of the store, who was the prosecuting witness in the case, wrote me that he feels satisfied Farmer was persuaded by men older than he is to act as he did, and that he felt three months' service would be sufficient punishment for him. This view was also taken by numerous good citizens of Anderson and adjoining Counties, who were familiar with the circumstances surrounding the case, and favorable recommendations were secured from the trial Judge, the Solicitor and the Board of Pardons.

FAULKNER, RUFUS: Saluda County. For Suspension of Sentence, granted on March 31, 1930, see case of WILBUR WITT, a co-defendant.

FLETCHER, FRANK: Greenville County. Sentence Suspended, during good behavior, on July 15, 1930.

Fletcher was convicted of Breach of Trust, with Fraudulent Intent, and was sentenced on May 9, 1929, to serve three years. He began serving his sentence on May 10, 1929.

From the petition in Fletcher's behalf, signed by a number of Officials and citizens of Greenville County, it seems that he hired an automobile to ride around Greenville, but, instead, drove it into North Carolina, where he was arrested, and the car recovered. Fletcher gave as his explanation that he had started to Norfolk to join the Navy, and that he was using the car for transportation only.

The trial Judge, the Solicitor, other Court Officials, and the Board of Pardons, recommended the release of Fletcher, after the service of eighteen months, taking into consideration the fact that this was his first offense, and his youth.

FLOYD, LOUISE: Spartanburg County. Sentence Suspended, during good behavior, on March 17, 1930, on condition that she remain under the care of Mr. A. A. Manning, who had interested himself in her behalf.

This woman had served seven months of sentence of one year. Her offense was Larceny, and Receiving Stolen Goods, valued at twenty dollars. She is a colored woman of low mentality.

The Board of Pardons recommended clemency for this woman, stating that the circumstances in the case indicated to them that there was some doubt as to her guilt.

The trial Solicitor also recommended clemency, and the Presiding Judge, Judge M. M. Mann, in concurring in the Solicitor's favorable recommendation, made the following remarks:

"My recollection is that at the time I passed sentence on this party I was persuaded she was somewhat a victim of a shrewder mind, and stated if she made a good record as a prisoner I would recommend a commutation of her sentence." Her conduct during her term of service was excellent.

FOWLER, MARSHALL: Horry County. Sentence Suspended, during good behavior, on January 19, 1931.

Fowler had been convicted of Manslaughter, and had been sentenced to serve five years. He began serving his sentence on September 13, 1928, and made an excellent prison record, according to the report of the Superintendent of the Penitentiary.

From the records before me it seems that Fowler was not without fault in bringing on the difficulty between himself and John Grainger, which resulted in the homicide. The evidence shows further, however, that Grainger, before he was killed, had actually advanced upon Fowler, and struck him with a plow fixture, and that Fowler was acting in self-defense. At the trial Solicitor Gasque, in his plea for a conviction, with a sentence of five years, stated that if the Jury convicted Fowler, and gave him a proper sentence, he would recommend Fowler's release after the service of two years. He lived up to this agreement, and recommended clemency for Fowler. The trial Judge concurred in his recommendation and a large number of good citizens of Horry County felt that Fowler had been sufficiently punished.

FOWLKES, R. F.: Laurens County. Convicted of House-breaking and Larceny, and sentenced to serve from two to four years.

After Fowlkes had served about eight months of his time, he presented to me a strong petition for his release, and I granted him a suspension of sentence, on May 17, 1928.

However, on February 21, 1930, I found it necessary to revoke this Suspension of Sentence, for the reason that Judge C. J. Kimball, of the City Court of Columbia, requested me to do so, stating that Fowlkes had broken the terms of his parole by breaking into another store.

Fowlkes was then returned to prison, and there he remained until December the fourth, 1930, on which day I again suspended his sentence, during his good behavior. I issued this second suspension upon request of Mr. Marsha, whose store was entered, the Sheriff and other Officials. Fowlkes' father had died, recently, and his family were in dire need of his support. His friends thought if again given his freedom he would obey the laws in the future.

FRANKLIN, F. M.: Richland County. Convicted of Highway Robbery and Larceny, and sentenced to serve two years. Sentence Suspended, during good behavior, on September 29, 1930.

Franklin, a young white man, under twenty years of age, pleaded guilty of the crime with which he was charged, and asked no mercy of the Court. Formerly, he had borne a good reputation at the Pacific Mills, where he was employed, as evidenced by the fact that the officers there signed an appeal in his behalf. The Magistrate at Olympia, where Franklin lived, took a special interest in the case. The County Supervisor gave him a splendid record, stating that he was the best white prisoner he had ever worked on the Richland County Chain-Gang. The trial Solicitor and the Judge also recommended that a suspension of sentence be granted, voicing the belief that he had been sufficiently punished, and would reform into a good citizen if given another chance. Franklin had served three-fourths of his time when he was released.

FRANKLIN, GEORGE: Greenville County. Convicted of burglary and larceny and sentenced on August 24, 1925, to serve ten to twenty years. Sentence Suspended on January 16, 1931.

A petition was presented to me on September 4, 1929, signed by a large number of well-known citizens of Greenville County, including the Solicitor, Supervisor and Senator, stating that in their opinion Franklin had been sufficiently punished.

On January 9, 1931, the Board of Pardons recommended that Franklin be paroled. Solicitor Leatherwood recommended, in view of the fact that Franklin had served over five years, and made an excellent prisoner, and particularly because of the assistance rendered by him at the time Norman Blakely, now under sentence of death, killed a chain gang guard, that Franklin be paroled, in which recommendation the trial Judge concurred.

Franklin, a young colored boy, was convicted of entering a house and stealing goods of the value of \$50.00.

In view of all of the facts, I felt that the ends of justice would be met by suspending the remainder of his sentence during good behavior and, therefore, issued an order accordingly on January 16, 1931.

FREE, DEWEY: Newberry County. Sentence Suspended, during good behavior, on December 12, 1930.

Free was given two sentences of twelve months each, to run concurrently, for Violating the Prohibition Law.

From the records before me in this case, and the petition, signed by the Sheriff and a large number of citizens of Newberry County, it seems that this was Free's first offense, and I felt that the dignity of the law would be upheld, and justice satisfied, by the service of the ten months Free had already given the State.

The Board of Pardons recommended clemency for this petitioner, taking into consideration the strong recommendation of law enforcement officers in Newberry County, the trial Solicitor's recommendation, and the statement of the trial Judge to the effect that he would not oppose clemency, and voicing the opinion that a suspended sentence hanging over the petitioner might be beneficial in deterring him from again engaging in the whiskey business.

GANDY, S. J.: Chesterfield County. Sentence Suspended, on January 31, 1930.

Gandy was convicted of Violating the Prohibition Law, and was sentenced to serve six months. His sentence was a sealed sentence, he having been absent at his trial.

Referring to the fact that a sealed sentence was imposed, the trial Solicitor gave it as his opinion that it was not Gandy's intention to ignore the Court, but that his absence was due to confusion, and that had Gandy been present in Court his sentence would probably have been lighter. He also recommended that Gandy be paroled, in which recommendation the Judge concurred.

A large number of Darlington citizens petitioned for clemency in Gandy's behalf. He had a wife and seven children dependent upon him. Out of consideration for them, and taking also into consideration the fact that the Court probably imposed a heavier sentence than would have otherwise been given because of the confusion as to the time of the trial, and Gandy's failure to appear, I concluded that I would be justified in letting Gandy return to his family, with the unserved portion of his sentence suspended, to insure his walking in the straight and narrow path in the future.

GARLINGTON, CLEVE: Laurens County. Convicted of Murder, and sentenced to serve Life Imprisonment, in 1919. Paroled, during good behavior, on April 21, 1930, along with Sam Rice and Allen Williams. See the Sam Rice file for my reasons for extending clemency to these men.

GILCHRIST, WALLACE: Aiken County. Convicted of Violation of the Prohibition Law, and sentenced, at the May, 1930, term of Court to four months' service.

On May 13, 1930, I issued an order suspending the remainder of the sentence in this case, upon the payment of a fine of \$150.00. Upon the Clerk of the Court of Aiken certifying to this effect the order of release was put into force. This was Gilchrist's first offense. A number of well known and highly respected citizens of his section signed a petition that he be shown this clemency, stating that he is an upright and hard-

working man, and that this liquor was in his possession for personal use. I felt that the ends of justice would be met by allowing Gilchrist to pay a fine, and suspending the remainder of his sentence during good behavior.

GIVOTTE, TONY: Greenwood County. Sentence Suspended, during good behavior, on January 19, 1931, with the proviso that he remain out of the State of South Carolina.

In the Fall of 1929 Givotte, an Italian, was convicted of Violating the Prohibition Law, and was sentenced to serve one year.

Under the Italian Law, and the Immigration Law, Givotte, had he not voluntarily returned to Italy prior to the first of September, 1930, would have been subject to Deportation, after he finished serving his sentence, and possibly being forced to enlist in the Italian Army. He had married a South Carolina girl, and, out of consideration for her, and her child, on August the fourteenth, 1930, I granted Givotte a suspension of his sentence for two months, in order that he might return to Italy and meet his obligations there.

However, when he attempted to return to the United States he was prevented from coming home because of the Immigration Inspection Law. Therefore, I issued for him a Suspension of his Sentence, on condition that he remain out of the State of South Carolina.

GREEN, ROY: Greenville County. Convicted of Larceny, and sentenced to serve from five to ten years. Sentence Suspended on May 23, 1930.

From the facts placed before me in this case, it seems that Green did not actually steal the brass from the car (as charged) but that he was an occupant of the car in which the brass was taken away. The trial Solicitor states that another man was the principal offender, and whatever connection Green had with the man was after the property was stolen. The Solicitor also stated that the goods stolen were recovered, and that, in his opinion, Green had been sufficiently punished. The Judge concurred in this recommendation, and the Board of Pardons recommended clemency for the petitioner, taking into consideration the mitigating circumstances connected with the theft, and also the fact that Green is a mere boy.

GOLNICK, GEORGE HOWE: Charleston County. Paroled, during good behavior, on March 11, 1930.

Golnick pleaded guilty of Murder, while in a drunken condition, on March 17, 1925, and was sentenced to serve Life Imprisonment. Henry Massalon was the man who was killed.

A voluminous petition in Golnick's behalf was presented to me, bearing the signatures of several hundred Charlestonians. Among the signers were the Sheriff of Charleston County, the Clerk of Court and other County Officers, M. C. Massalon, William N. Massalon, John H. Massalon, brothers of the man who was killed; Mrs. John Massalon a sister-in-law of the deceased, and also another brother-in-law and sister-in-law, Mr. and Mrs. J. D. Conner.

The records in my Office show that Golnick's health has been greatly impaired during the time of his service, and a certificate from Dr. Payne, the Penitentiary Physician, sets forth that he is suffering from Pulmonary Tuberculosis, to such extent that he is confined to his bed most of the time, and that he also has other diseases which require operations if he is to be benefitted or cured.

The trial Judge, Hon. S. W. G. Shipp, while declining to recommend any clemency in the case for other than physical reasons, did recommend that the Governor grant a conditional parole, in view of his physical condition. The trial Solicitor, Hon. James Allan, while stating he believed Golnick killed Massalon, the deed was done while Golnick was so drunk he hardly knew what he was doing, and in view of his physical condition, recommended a parole.

The Board of Pardons also recommended a parole because of the prisoner's health, and called attention to the fact that Honorable John P. Grace of Charleston had indicated to them that if Golnick were paroled his family would provide satisfactory hospital facilities, in order to segregate him from the public, and see that he received the necessary care and attention.

GREEN, JAMES: Lexington County. Sentence Suspended, during good behavior, on January 17, 1931.

This man, a negro, was given a four to eight year sentence for Manslaughter, and had the County authorities of Lexington County complied with the law in sending the proper forms

to the Board of Pardons, in compliance with the 1925 Indeterminate Sentence Law he would have been released a year sooner than he was. When the case was called to my attention I released him, in order to save Green from further service while the red-tape of the Indeterminate Sentence Law was being complied with, and the further delay of holding the case over until the next meeting of the Board of Pardons.

GUNTER, PICKENS: Lexington County. Sentence Suspended, during good behavior, on January 19, 1931, upon recommendation of the Board of Pardons.

Gunter was convicted of House-breaking and Larceny, and was sentenced to serve twenty-six months.

This case presented a pitiful appeal. Gunter, a World War veteran, with a wife and children dependent upon charity for the necessities of life, according to the petition in his behalf, signed by a number of well known Officials and citizens, was not mentally responsible for his crime. The State Service Officer and Director of the Veteran's Bureau in Columbia have taken a great deal of interest in this case, and they secured employment for Gunter upon his release. Gunter, who has served four months in the State Penitentiary, has a good prison record.

HAITHCOCK, WILLIAM B.: Richland County. Sentence Suspended, during good behavior, after he has completed eight years of service at the State Penitentiary, August 7, 1933.

Haithcock had been convicted of Murder, and was sentenced to the Electric Chair. However, Governor McLeod commuted this death sentence to Life Imprisonment, and, in addition to the agonies of facing a death sentence, Haithcock will have been imprisoned nine and a half years when he is released, eight years of actual service of his sentence, and also a year and a half he was imprisoned before he began serving in the Penitentiary.

Haithcock has made a faithful worker during his imprisonment, and the Penitentiary authorities give him an excellent name. In addition to the strong petition in his behalf presented to me, I received the following letters from the trial Judge and the Solicitor:

Judge Smith said: "With regard to a recommendation in the matter of the petition of Haithcock, I beg to say that this case has given me more concern than any case which was tried before me during my career on the Bench, either as a regular or a special Judge.

"The petitioner was first convicted of Murder, without a recommendation to Mercy, and, pending the consideration of a Motion for a new trial, submitted by his Attorneys, the Solicitor and Attorneys for the Defendant agreed that I should have the privilege of going on the scene of the homicide, and making such investigations of the surrounding facts and circumstances as I might deem advisable.

"I availed myself of this privilege, and, in company with the Sheriff of the County, I spent a part of the day looking over the scene of the homicide. While nothing was presented to me in the record of the trial that would warrant the granting of the Motion, I felt at the time that the case was such that the death penalty should be not inflicted. Some time thereafter the matter was referred to me for a recommendation of a commutation of the sentence to Life Imprisonment, and I very heartily approved of the Commutation.

"Now, after a thorough consideration of the whole case, I feel warranted in recommending a parole for this man, during his good behavior, after he has served a term of eight years. If he had been convicted of Manslaughter I would probably have given him a sentence of fifteen or twenty years. I think the case is one in which the petitioner should be given another chance, and my idea is that the term above suggested would probably meet the ends of justice. If the Governor, however, thinks that a shorter period would subserve this purpose I shall not oppose such view."

Solicitor Spigner stated: "Haithcock's case has given me more concern than any I have ever tried. However, after most careful consideration of the entire case, and all the surrounding circumstances, also carefully reviewing the record of the trial furnished by the Court Stenographer, I have concluded to recommend, and do now recommend, a parole for W. B. Haithcock, on condition that he behave himself."

HAMILTON, W. F.: Saluda County. Sentence Suspended, during good behavior, on October 31, 1930, upon a certificate being filed with the Saluda County Clerk of Court to the effect that Hamilton had paid a fine of one hundred dollars.

Hamilton stated at his trial that he was not handling liquor for the purpose of selling it, but that he had in his possession whiskey for his own personal use, and for some of his friends. It seems, according to the statements concerning him included in his petition for Executive Clemency, signed by numerous good citizens and Officers of Saluda County, that Hamilton bore a good reputation in his home community, that it was the general consensus of opinion that he would not again violate the law if he were permitted to pay a fine in lieu of serving the sixty days, and that the suspended sentence hanging over him would act as a safe-guard to deter him from again erring, in case he felt inclined to do so.

HANCOCK, T. H.: Richland County. Sentence Suspended, during good behavior, on May 7, 1930, upon payment of a fine of \$125.00.

Hancock had been convicted of Violating the Prohibition Law, and was sentenced to serve twelve months, with two and a half months suspended, during his good behavior.

This petitioner operated a filling station on the Camden Road. A large number of citizens signed a petition as to his good reputation, and expressed the belief that if he had any whiskey at his place of business it was not for sale, but for personal use. It was also shown to me, by Hancock's physician, that he is not in good health, and that confinement in prison would be bad for him. His wife is also in bad health. Under the circumstances, I felt that a fine in lieu of imprisonment would meet the demands of justice, and I acted accordingly.

HARALSON, R. Q.: Abbeville County. Sentence Suspended, during good behavior, on September 2, 1930.

This man was convicted of Violating the Prohibition Law in June, 1929, and was sentenced to serve twelve months. After he had served one month, I issued an order Suspending his Sentence, upon the payment of a two hundred dollars fine.

However, in May, 1930, I found it necessary to revoke this Suspension of Sentence, for the reason that Haralson did not live up to the conditions of good behavior imposed.

After Haralson's return to prison, and the service of another four months, a petition was presented to me in his behalf, which was signed by the Sheriff, the Clerk of Court, the Mayor of Abbeville, and the Senator from Abbeville County, stating that Mrs. Haralson had given birth to a child, that they were in desperate need of his support, and recommending that he be given another opportunity to make good. His wife's condition, of course, made the plea in her behalf doubly appealing.

Therefore, on September 2, 1930, I again suspended Haralson's sentence, during good behavior, hoping that the five months he has already served, and the suspension of seven months to be served by him in case he again violates the law, will be sufficient to keep him straight in the future.

HARDY, HARRY: Richland County. Convicted of Manslaughter, and sentenced to serve from three to six years. Sentence Suspended, during good behavior, on January 4th, 1930.

At the time this petitioner committed the crime he was only sixteen years of age. He served three years, and made an excellent prisoner. The petition presented to me in his behalf set forth the fact that he bore a good reputation in his home community, and that a number of the people there believed that the crime was not intentional, but the result of the careless handling of fire-arms.

Under the 1925 Indeterminate Sentence Law, which is still retroactive, Hardy would have been entitled to a parole fourteen days after the date on which he was released. I issued an order Suspending his Sentence, feeling that he had been sufficiently punished without remaining in prison long enough to actually comply with the Indeterminate Sentence Law.

HARMON, SAM: Richland County. Sentence Suspended, during good behavior, on November 5, 1930.

Sam was convicted of Disorderly Conduct and Driving a Car without Lights. His trial was before Magistrate J. L. Sites of White Rock, Richland County, who sentenced him

to serve thirty days, or to pay a fine of twenty-five dollars, in each case.

Sam, a boy of fifteen years, seems to have gotten into this trouble through having a fight. He has been in bad health all of his life, and in addition to this, when he went to the Chain-gang, he was suffering from a pain in his side, caused by Influenza. For this reason, the County Supervisor requested that he be paroled, stating that his services were of no benefit to the County, and that he was unable to work, although he had been on the Chain-gang for about nine weeks, three-fourths of his sentence.

Taking into consideration the physical condition of this boy, the time he had already served, recommendations in his behalf by the Board of Pardons and good citizens of the County who knew the boy, and the further fact that he had a job waiting for him, which called for work of a nature he could perform in his weak condition, I concluded that the ends of justice had been met, and that I would be justified in issuing this Suspension of Sentence.

HART, EDWARD: Chester County. Convicted before Magistrate Davidson of Chester of Beating a Ride on a Railroad Train, and Vagrancy, and was sentenced to serve sixty days, or to pay a fine of fifteen dollars.

After Hart had served a part of his sentence, he being unable to raise the fifteen dollar fine; Magistrate Davidson accepted from him a fine of ten dollars, and granted him a discharge. However, the Penitentiary could not accept this as Hart's discharge without complying with considerable detail through the Office of the Clerk of Court. I, therefore, feeling that this young colored boy had been sufficiently punished, issued an order suspending his sentence during good behavior, and he was released and turned over to his father, a colored preacher, who had paid his fine, and who took him home to be kept under his supervision in the future.

HASTINGS, BOB: Greenwood County. Sentence Suspended, during good behavior, on January 7, 1930.

I was moved to grant Hastings clemency in view of his age, his poor state of health, and the fact that a petition in his be-

half, signed by the Sheriff of the County, the trial Solicitor, the Supervisor, and a number of other good citizens of Greenwood County, stated that his petitioners believed that Hastings would not again violate the Prohibition Law, for which offense he was serving a sentence of six months. He had served about half of his time when he was released.

HAYES, JACK: Dillon County. Sentence Suspended, during good behavior, on June 11, 1930.

A petition in behalf of this petitioner set forth the following facts: That he pleaded Guilty of House-breaking and Larceny, and was sentenced to serve twelve months: that at the time of the offense he was only a boy of sixteen years of age, and was influenced to do wrong by older persons, three of them were grown men; that he confessed his crime, and that it was upon his confession that the goods stolen from the store they entered were found, and the other guilty parties apprehended and convicted.

The petition was signed by Officers of Dillon County and a number of good citizens, who voiced the belief that Hayes was less guilty than his co-defendants in the case, and who sought clemency for him in view of his youth and the fact that this was his first offense. The man whose store was robbed also joined in the prayer of the petitioner, and after their investigations clemency was also recommended by the trial Judge, the Solicitor and the Board of Pardons. The prison behavior record of Hayes was excellent.

HEAD, WILL: Spartanburg County. Sentence Suspended, during good behavior, on January 15, 1931, on condition that he leave the State.

Head was convicted of House-breaking and Larceny, in two cases, and was sentenced to serve from five to ten years, the two sentences to run concurrently.

Head would have been entitled to appeal to the Board of Pardons under the Indeterminate Sentence Law, but for the fact that a Suspended Sentence granted him by former Governor McLeod was later revoked. However, the prisoner had served more than five years of his sentence, and, recently, I received

a voluminous petition in his behalf, presented to me by Senator Joseph R. Bryson. Clemency for Head was also recommended by the trial Solicitor, Mr. Blackwood, and Judge M. L. Bonham, who presided at the trial.

HEATH, PORTMAN H.: Aiken County. Sentence Suspended, during good behavior, on January 30, 1930, upon payment to the Clerk of Court of Aiken County of a fine of one hundred and fifty dollars.

Heath, a white man, was convicted of Violating the Prohibition Law, in January, 1929, and was given a sentence of twelve months. An appeal was made to the Supreme Court, but it was never heard by the Court.

Heath presented to me a voluminous petition for clemency, signed by numerous good citizens of Aiken County, based upon the fact that Heath's conviction was on purely circumstantial evidence, the fact that if he were guilty of this offense it was his first, and his former good reputation. Among the signers were twelve of the Jurors, and former Sheriff Nollie Robinson, who stated that he, Robinson, had been the prosecuting witness in the case, and that in his opinion Heath was less guilty and deserving of punishment than others who were tried at the same time, and not convicted. He also stated that two of the other men who were tried along with Heath had made sworn statements to the effect that Heath was merely an on-looker at the Still when the Officers raided it, and that he was in no way connected with its operation.

Judge Bonham sentenced Heath to serve twelve months, with six months suspended, during good behavior. However, he later wrote me, stating that he felt three months' service, and the remaining nine months suspended, would be sufficient punishment for Heath, in view of the extenuating circumstances connected with the case. Solicitor Carter made a similar recommendation, though he felt that Heath was guilty of violating the law, in that he knew all about the operation of the Still in question.

HEAVENER, H. M.: Greenville County. Sentence Suspended, during good behavior, on April 1, 1930, on condition that he leave the State, and remain out of it.

Heavener, who was a Federal Prohibition Officer, was convicted of Seduction, under promise of Marriage, and was sentenced to serve from two to four years. An appeal was made to the Supreme Court, but the case was dismissed. At the time the Courts dismissed Heavener's appeal a voluminous petition in his behalf was made to me, which was signed by numbers of good citizens of Greenville County, including nine of the trial Jurors. Attached to the petition were numerous affidavits, purporting to show that the woman in question is not of the best character, and that his trial and conviction was the result of a "frame up." The showing made in Heavener's behalf convinced me that I would be justified in Suspending his Sentence, provided he leave the State and make his home elsewhere.

HERBERT, WALTER: Richland County. Sentence Suspended, during good behavior, on January 8, 1931.

Reference to my 1929 report will disclose the fact that I granted a parole, or suspension of sentence, for one year for Herbert, because of his ill health, on condition that the Doctor treating him should make reports to me as to his condition. At the expiration of this time, however, Herbert's physical condition had not improved, and I was moved to grant him a suspension of his sentence, for so long a time as his behavior is what it should be, with the understanding that the Governor of the State is to be the sole Judge of what is meant by "Good Behavior."

The record in this case discloses the fact that at the time of the trial the Jury stood, seven for acquittal, and that when a verdict of guilty was agreed upon it was with the understanding that only two years would be served by Herbert. This information is given by affidavit of Mr. Collins, who was a member of the Jury. Herbert, however, had served three and a half years, actually, without counting in the time he has been out because of his health. All of the Jurors signed his petition, with the exception of one, who is dead.

A petition for Herbert was also signed by Senator James H. Hammond, the County Officers, the County Supervisor, and a number of good citizens of Richland County, who know Herbert, and are familiar with the circumstances connected with the case.

Herbert was sentenced to serve from ten to twenty years for Manslaughter.

HIERS, CHARLIE: Bamberg County. Sentence Suspended, during good behavior, on January 12, 1931, upon the following report to me made by the Board of Pardons:

"This prisoner was convicted of Violation of the Prohibition Law, in his absence. It appears that by reason of his absence he probably received a more severe sentence than he would have received otherwise. The Presiding Judge, Judge J. Henry Johnson, and Solicitor Carter, both recommended clemency. The prisoner has served six months of his sentence, and the Board feels that his sentence should be suspended at this time."

HILLIARD, SCHLEY: Anderson County. Sentence Suspended, during good behavior, on January 2, 1931.

Hilliard was convicted of Manslaughter, and given a six year sentence. He had served nearly two years of this time, and his conduct as a prisoner was excellent.

A voluminous petition in this man's behalf was presented to me, signed by good citizens of Anderson County who were familiar with the facts involved in the killing. Included in the petition was also the favorable recommendation of Solicitor Harris, who prosecuted Hilliard for the State, and the following statement from Judge Bonham, who presided at the trial:

"I recall well the facts of this case. The deceased had pursued and threatened the petitioner, and came upon him suddenly. The petitioner fired, perhaps, before he was actually in danger, but he had every reason to believe he was in danger. I recommend his Pardon."

HINSON, EARLY: Kershaw County. Convicted of Assault and Battery of a High and Aggravated Nature, and sentenced to serve eight months. Sentence Suspended, during good behavior, on July 8, 1930.

Hinson had been estranged from his wife, it seems, and when he returned to his wife's home, to see his child, an Officer was called. The petition in Hinson's behalf set forth the fact that Hinson was roughly treated by this Officer, though Hinson had raised no disturbance whatever.

The Chief of Police of Camden took a special interest in this case. In addition to his recommendation for clemency, the pe-

tition was signed by Mr. C. W. Birchmore, into whose custody Hinson was paroled, and a number of other good citizens and Officers of the County. The Board of Pardons carefully reviewed the facts in the case as presented to them, and, after Hinson had served five months of his eight months' sentence they felt that he had been sufficiently punished, and recommended his release.

JAMES, C. E.: York County. Sentence Suspended, during good behavior, on January 16, 1930.

This man's conviction, on the charge of Manslaughter, resulted from his driving a car while intoxicated. He ran over two boys on a motor-cycle, and killed them.

When a human life is taken through the careless driving of an automobile, the driver should be punished, and when the driver is intoxicated, he should be severely punished. But few men who have had this experience have tried harder to amend their wrong doing than has Mr. James. He has helped the brother of one of the young men he killed to obtain an education, and has also been of assistance to him otherwise.

This young man, J. C. Brock, pled for mercy for Mr. James. A number of good citizens of York and other Counties, including several members of the General Assembly, also felt that he had been sufficiently punished.

The trial Solicitor thought Mr. James should serve two years. He had, however, served just eighteen months at the time of his release. I would probably have carried out the recommendation of the Solicitor in the matter, but, at the time I released Mr. James, his wife, to whom he was married after he went to prison, was stricken with Paralysis, and it was certified to me by reputable physicians that she would in all probability not recover. For this reason, I tempered mercy with justice in responding to the urge I could not help but feel, of this woman's desperate need of her husband's care and attention during her illness.

JEFFORDS, D. M.: Darlington County. Sentence Suspended, during good behavior, on January 3, 1930.

Jeffords was convicted of Disposing of Property under Lien, and it now develops that there is at least some doubt as to his

guilt in the matter of selling tobacco, in that the Company who owned his crop had previously given him permission to sell some of the tobacco to pay for gathering his crop.

In view of the favorable recommendation of the Board of Pardons, the trial Solicitor, who has investigated the facts of the case since the trial, the Judge, and the Company who prosecuted Jeffords, I felt justified in suspending his sentence.

JENKINS, ROBBIE BROWN: Beaufort County. Sentence Suspended, during good behavior, on December 12, 1930.

I suspended this petitioner's sentence upon receipt of an affidavit by the owner of the store Jenkins is alleged to have robbed to the effect that he is not guilty, and also upon receipt of information to the effect that certain facts have come to light since the trial of Jenkins, which convince a large number of well known citizens and Officials of Beaufort and Hampton Counties that he is not guilty of the crime for which he had already served seven months in the State Penitentiary. Upon submitting the matter to the Board of Pardons the Board also regretted to learn of this miscarriage of justice, and joined in with other right thinking citizens in seeking relief for Jenkins.

JENKINS, SAM: Sumter County. Convicted of Manslaughter in July, 1927, and sentenced to serve from six to twelve years. Sentence Suspended on March 26, 1930.

In granting clemency to Jenkins, I was guided by the following report of the Board of Pardons, made to me after they had investigated the merit of his appeal for relief:

"A study of the facts in this case indicates to us that the Jury might well have found a verdict of Self Defense instead of Manslaughter. Jenkins is a young negro, and the County Engineer testified to his good conduct while a prisoner. For these reasons, and for the further reason that the trial Judge, Judge John S. Wilson, recommends clemency, we recommend that a parole be granted this petitioner."

JOHNSON, CHALMERS: Kershaw County. Convicted of House-breaking and Larceny, and sentenced to serve six months. Sen-

tence suspended, during good behavior, on October 29, 1930, after serving nearly four months.

A petition in behalf of Johnson was presented to me, bearing the signatures of the Chairman of the County Board of Commissioners of Kershaw County, the Sheriff, and other good citizens and Officials, stating that Johnson has a wife and five small children, that his conduct prior to this offense had been good, and that the value of the articles stolen was only ten dollars, and praying for mercy in his behalf. The trial Judge and the Solicitor also recommended clemency.

JOHNSON, CLAUDE: Union County. Granted a Suspension of Sentence after serving eighteen months, this order not to become effective until the eighteen months have been actually served. This was done on January 20, 1931.

I reduced Johnson's sentence, leaving the portion he is not to serve in suspension, in case he again errs, for the reason that a strong appeal was made to me in his behalf by good citizens of Union County who were familiar with the facts connected with his conviction for Assault and Battery with Intent to Kill, and who thought a fine would be sufficient punishment for him in lieu of the four years' service imposed. A petition in Johnson's behalf was presented to me, signed by the Supervisor, the Sheriff, Rural Policeman, County Officers and eleven of the Jurors, including the Foreman.

JOHNSON, J. B.: Marion County. Sentence Suspended, during good behavior, on January 13, 1931.

Johnson, a young man about twenty years old became involved in a difficulty, along with an older man, which resulted in a homicide. He was given a five year sentence. Of this he served one-half, during which time he made an excellent prisoner.

I felt, in view of the fact that it is thought by a number of good citizens of Marion County that Johnson was led into this crime by bad associations, the fact that he was highly recommended by the prison authorities under whom he served, and the further fact that the trial Judge and the Solicitor, as well

as the Board of Pardons, recommended clemency for him, that I would be justified in releasing Johnson at this time.

JOHNSON, ROBERT: Darlington County. Sentence Suspended, during good behavior, on January 11, 1930.

Johnson was sentenced to serve forty years for Rape, in the year 1910, and he had served almost ten years, during which time his prison record had been excellent, as shown by the splendid recommendations he received from both Colonel Sanders, formerly Superintendent of the Penitentiary, and Colonel Pearson, the present Superintendent.

The Judge who presided at Johnson's trial is dead, and, owing to the length of time since Johnson entered the Penitentiary, it was hard to gather any appreciable amount of information concerning his crime. It is reported, however, that former Solicitor Spears, who prosecuted Johnson for the State, expressed a doubt as to his guilt, prior to his death. However, I felt that the hard years of servitude Johnson had given the State, and his good conduct, justified me in giving him his freedom.

JONES, PAUL: Greenville County. Convicted of Abandonment, and Non-Support, and sentenced to serve One Year, or to pay a fine of One Thousand Dollars, the thousand dollar fine to be Suspended, provided Jones furnish Surety Bond in the sum of Two Thousand Dollars for the support of his family.

Jones, who is a poor man, could not arrange for this two thousand dollar bond, and he had to serve his prison term. However, after he had served half of his sentence, he appealed to me to grant him a suspension of his sentence. I did this, on March 3, 1930, stipulating in the order of Suspension that he was to work and support his family, and also that he should make monthly reports to the Sheriff of Greenville County.

My action in this matter was preceded by favorable recommendations from the trial Judge, the Solicitor and the Board of Pardons, as well as a number of good citizens of Greenville County, who felt it advisable that Jones be given a chance to make amends to his family by taking care of them, and that also the suspended sentence hanging over him would prove an incentive to him to conduct himself properly in the future.

JOLLY, JOHN M.: Cherokee County. Sentence Suspended, during good behavior, on April 2, 1930.

Jolly was convicted of Assault and Battery, with Intent to Kill, and also of Violating the Prohibition Law. His sentence was from five to ten years.

This petitioner, an old man, was in wretched health. This was his first offense, and he had previously borne a good reputation. A petition for Executive clemency in his behalf was presented to me, signed by several hundred good citizens of Cherokee County. Attached to the petition were affidavits from some of the State's witnesses against Jolly at the trial, affirming that he was not even present at the still in question at the time Officer Vassy was assaulted. Officer Vassy, the prosecuting witness, also joined in the prayer of the petitioner for his release. The petition also carried affidavits from reliable physicians, showing that Jolly was suffering from high blood pressure, and utterly unable to perform the labor required of convicts. For this reason, he was a burden to the County authorities.

Taking into consideration the facts cited above, the trial Solicitor, Mr. Blackwood, and the Board of Pardons recommended that Jolly be paroled, during his good behavior.

JONES, JOE: Greenville County. Sentence Suspended, during good behavior, on May 13, 1930, upon payment of a fine of fifty dollars.

Jones was given a sentence of six months upon pleading guilty of violating the Prohibition Law. He had served half of his sentence when he was released upon the payment of a fine. This leniency was shown in his case because of the illness of his wife. She was suffering with a bad case of Tuberculosis, and his presence at home to take care of her and his family was sorely needed. Solicitor Leatherwood, who prosecuted Jones, and a number of good citizens of Greenville County, felt that Jones would have been sufficiently punished if he paid a fine in lieu of serving the latter part of his sentence, and that the desperate condition of his family would be in a measure relieved by allowing him his freedom.

KERNELLS, MURPHY: Laurens County. Sentence Suspended, during good behavior, on September 26, 1930.

Kernells had served seven months of a twelve months' sentence imposed upon him for Violating the Prohibition Law. I suspended his sentence for the reason that the Solicitor called my attention to the fact that there had been a misunderstanding on Kernell's part as to the time his case was to be tried, and he was not present at his trial. Other Defendants, tried for similar offenses, who were present, had their sentences suspended by the Judge, but Kernells, because of his absence, was given a sealed sentence. I felt that he was entitled to consideration in view of the fact that he had not intentionally been absent, and the further fact that he had served seven months when like offenders had not served any time at all.

KING, SAM: Chester County. Sentence Suspended, during good behavior, on December 24, 1930.

King was released upon the request of the Board of Directors of the Penitentiary, and the following report of the Board of Pardons:

"This petition is presented to the Board by the Board of Directors of the Penitentiary, and its Superintendent. It appears that Sam King, during his incarceration in prison, has been instrumental in preventing the escape of four prisoners. For this and other services rendered there, and his good record, the Board is of the opinion that he is entitled to a parole."

King was convicted of Murder in July, 1926, and was sentenced to serve Life Imprisonment.

KIRBY, J. VERNON: Anderson County. Sentence Suspended, during good behavior, on December 15, 1930.

A petition was placed before me in this man's behalf, signed by the Sheriff and other Officials, and well known citizens of Anderson County, stating that Kirby's wife had suffered an injury, that she and her four small children, who were dependent upon him for support, were suffering and in financial distress. The trial Solicitor recommended a suspension of Kirby's sentence, and the trial Judge concurred in the recommendation.

In view of the unusual circumstances surrounding the condition of this man's family, I felt that I would be justified in following the dictates of humanity in permitting him to go home to them. He had served ten months, and allowing for the time he would have been granted at the Penitentiary for good behavior, he would have had just a few weeks to serve when he was released.

KNEECE, ELMER C.: Lexington County. Sentence Suspended, during good behavior, on January 19, 1931.

I granted Kneece's request for a suspension of his sentence upon receipt of a petition in his behalf, signed by Solicitor Callison, Sheriff Owens, the Senator and House Members of Lexington County, and a number of the County Officers, who stated that Kneece had served four months of a six months' sentence imposed upon him for Violating the Prohibition Law, and that he had a family in destitute circumstances who were entirely dependent upon him for support. Kneece will have to serve the remaining two months of his sentence in case he again violates the law.

LESLEY, JUDGE: Pickens County. Sentence Suspended on March 27, 1930.

Lesley was convicted of Violating the Prohibition Law in June, 1929, and immediately, on June 5th, started serving his sentence of one year.

The Sheriff and County Supervisor of Pickens County, other County Officers, and a number of prominent citizens of Pickens County, including the entire Pickens Legislative delegation, requested that mercy be shown Lesley. He had served a major portion of his sentence, and his family were in desperate need of his care and support. By releasing him he was enabled to plant a crop to take care of them this year. His prison record was excellent.

LEWIS, JAMES ARTHUR: Orangeburg County. Sentence Suspended, during good behavior, on October 17, 1930, on payment of a fine of one hundred and fifty dollars.

Lewis was given a sentence of three months, and a fine of fifty dollars, for Violating the Prohibition Law. It seems that he had

not been engaged in the manufacture of liquor, however, but was merely present at a Still when the Officers made the arrests. His health was poor, and he had never been implicated in violating the Prohibition Law before. He also had a mother dependent upon him for support. In view of these circumstances, I felt that I would be justified in suspending the three months, on condition that he pay a fine of one hundred and fifty dollars, leaving the prison servitude hanging over him as an incentive to keep him straight in the future.

LONG, CLYDE: Horry County. Sentence Suspended, during good behavior, on January 16, 1931.

This man, who has served eight months of a twelve months' sentence, was recommended for clemency by the County Board of Commissioners, the trial Solicitor, and Senator M. G. Anderson. They made their plea for him for the reason that he is in ill health, and an expense to the County. He had served eight months of a twelve months' sentence for Violating the Prohibition Law.

LUKE, ROBERT: Kershaw County. Paroled, during good behavior, on May 29, 1930.

Luke's offense was Larceny, and he had served more than half of the six months' sentence imposed upon him, during which time he established a splendid prison record. Owing to the fact that the theft involved was a minor one, that half of the sentence had been served, and that Luke's family were in destitute condition without his support, some of them being ill at the time, the prosecuting witness and the Sheriff of Kershaw County recommended that he be released. I followed their recommendation, in the hope that Luke had learned his lesson, and that he would give no further trouble in the future.

MARTIN, D. K.: Chesterfield County. Sentence Suspended, during good behavior, on January 19, 1931, on condition that Martin refrain from indulging or handling, or having any connection with the handling in any manner of intoxicating liquors.

I granted this suspension of sentence upon request of the trial

Solicitor, and a number of prominent citizens, also a statement from a reputable physician and the County Supervisor that Martin is in bad health, and unable to work on the Chain-gang.

MASON, BROADUS: Spartanburg County. Sentence Suspended, during good behavior, on January 2, 1931.

Mason was convicted of Larceny in 1927, and sentenced to serve three months. He was also convicted of Violating the Prohibition Law, and was thereupon sentenced to serve six months, nine months' service in all. He served five months of this time.

An appeal was made to me in Mason's behalf through a petition signed by good citizens of Spartanburg County, setting forth the fact that there are grounds for doubting Mason's guilt. He made a good record as a prisoner, and, in view of the fact that an injustice may have been done him, I felt that I would be justified in releasing him.

McCORMACK, ARTHUR H.: Georgetown County. Sentence Suspended, during good behavior, on April 9, 1930.

McCormack had been sentenced to serve two years and to pay a fine of one hundred dollars, with the proviso that upon the service of six months the balance of the sentence be suspended during good behavior. His offense was Violation of the Prohibition Law.

When released McCormack had served five months, during which time he made a good prison record. A petition from Officers and Citizens of Horry County, his native County, stated that they believed McCormack had been sufficiently punished, and asked that he be paroled, so that he might return to his wife and six children, who were in destitute condition. The trial Solicitor also recommended clemency.

McDANIEL, JOHN: Bamberg County. Sentence Suspended, during good behavior, on January 19, 1931, the order to become effective after service of two years.

This young white man was convicted of Assault and Battery, and was sentenced on February 19, 1929, to serve three years. He has a good prison record.

A petition signed by the Sheriff, members of the Legislature, and other prominent officials and citizens of Bamberg County, was presented, asking for clemency in McDaniel's behalf. The Solicitor recommended that he be paroled after service of one year in which the trial Judge concurred. The Board of Pardons on December 19, 1930, recommended a suspended sentence after service of two years.

MELTON, O. J.: Laurens County. Sentence Suspended, during good behavior, on January 31, 1930.

Melton violated the Prohibition Law, and received a twelve months' sentence, which was imposed upon him during his absence, owing to the fact that he was, at the time, serving on the Richland County Chain-Gang, for Disorderly Conduct.

In extending clemency to this man, I adhered to the earnest appeal in his behalf by the Associated Charities of Columbia, who had been taking care of Melton's family during his imprisonment, the favorable recommendations of both the trial Judge and Solicitor, and also the fact that Melton would, in all probability, have received a lighter sentence if he had been able to be present at his trial.

MEREDITH, F. M.: Greenville County. Sentenced suspended, during good behavior, on February 11, 1930.

Meredith was convicted of Car-breaking, and was sentenced to serve fifteen months. Of this he actually served twelve months. Clemency for him was recommended by the trial Judge, the Solicitor, the Supervisor and other well known Officials and Citizens of Greenville County. He had been of assistance to the Officers in the prosecution of other cases, and this, coupled with his splendid prison record, and the recommendations submitted to me in his behalf, caused me to conclude that this case was a fitting one for the extension of Executive Clemency.

MIXON, THOMAS J., Richland County. Sentence Suspended, during good behavior, on August 4, 1930.

I released this man on the strong recommendation of the Board of Directors of the Penitentiary, the favorable recommendations

by the Board of Pardons, the Judge who presided at the trial, and Officers of the Penitentiary, under whom he had served, who stated that his record as a prisoner was an unusual one for good conduct and obedience. There were also, it seems, some grounds for doubting Mixon's guilt in the matter of the crime for which he was convicted, *i.e.*, Robbery and Larceny, for which he was sentenced to serve from five to ten years.

MOODY, C. M.: Greenville County. Sentence Suspended, during good behavior, on December 12, 1930, on condition that he abstain from the use of whiskey in any form.

This young white man's offense was Chicken Stealing, which resulted from his association with bad company, and also the drinking of too much liquor. For this reason, I stipulated in the order suspending his sentence that he was to abstain from drink.

I was actuated in tempering justice with mercy in this case by a letter from the trial Solicitor, stating that Moody's family were in destitute circumstances, that he had had a personal interview with Moody, and that he believed he had made up his mind to obey the law and conduct himself properly in the future. The Solicitor also called to my attention the fact that Moody had served two-thirds of his sentence. The Board of Pardons concurred with me in the belief that the facts involved in this case merited the extension of clemency.

MOODY, W. R.: Chesterfield County. Sentence Suspended, during good behavior, on January 12, 1931.

Moody had been given a three year sentence for Forgery. He served two and a half years, and made a good record. The Board of Pardons, the trial Judge and the Solicitor felt that he had been sufficiently punished, and recommended his release.

MOORE, LEVI: Kershaw County. Paroled, during good behavior, on May 28, 1930.

Moore was sentenced to Life Imprisonment for Murder, and had served ten years, during which time he made a faithful and obedient convict.

Nine of the trial Jurors signed a petition asking for clemency in this case. Of the remaining three, two are dead, and one lives outside of the State. Clemency was also recommended by the Supervisor, the Sheriff and other well known Officials and citizens of Kershaw County, the trial Solicitor and the Board of Pardons. The Judge was unable to recall the facts sufficiently to express an opinion in the matter. Therefore, with these strong recommendations, and the splendid prison record Moore had established, I felt justified in issuing a parole, during good behavior, with the invariable proviso I have placed upon all paroles issued by me that the Governor of the State is to be the sole Judge of what is meant by "Good Behavior." This, of course, means that unless his conduct is satisfactory to subsequent Governors he can be returned to the Penitentiary to serve the rest of his natural life.

MOORE, JOHN: Marion County. Paroled, during good behavior, on November 15, 1930.

Moore, an old colored man, had been given a Life Sentence for Murder, in 1915, and since that time he has been imprisoned at the State Penitentiary, where he worked as a faithful and obedient prisoner. He was paroled by me upon the earnest solicitation of Colonel A. K. Sanders, formerly Superintendent of the Penitentiary, Colonel James N. Pearman, the present Superintendent, Superintendent J. W. Cantey of the State Farm, where Moore had served for some time, the Board of Directors of the State Penitentiary, and the trial Solicitor. The trial Judge is dead. I felt that the fourteen years of service given the State, his good conduct as a prisoner, and the strong recommendations in his behalf justified me in giving this man his freedom.

MORRIS, LEE: Spartanburg County. Sentence Suspended, during good behavior, on July 31, 1930.

Morris was released upon recommendation of the trial Solicitor, the Honorable Ibra C. Blackwood, who felt that Morris had been sufficiently punished, in view of the seven months he had served on to a twelve months' sentence for Assault and Battery with Intent to Kill. He is a young white man, and during his term of service his prison record was excellent.

MORRIS, R. B.: Georgetown County. Sentence Suspended, during good behavior, on March 28, 1930.

Morris was convicted of Violating the Prohibition Law in April, 1929. The Judge sentenced him to serve two years, and pay a fine of five hundred dollars, but stipulated that after Morris had served six months of his two years if he paid a fine of one hundred dollars the balance of the sentence was to be suspended, during his good behavior.

Morris had served his six months, and the purpose of the Suspension of Sentence granted him was to relieve him of paying the one hundred dollar fine. The order releasing him stipulated that if he again violated the law he would be returned to prison to serve the eighteen months the Judge imposed upon him, in lieu of the six months' service and one hundred dollar fine. A petition in his behalf was presented to me, signed by a large number of citizens of Georgetown, who felt that the eighteen months' suspended sentence hanging over him would serve as a safe-guard in keeping Morris from again violating the law.

MOTTES, CLAYTON: Aiken County. Sentence Suspended, during good behavior, on April 28, 1930.

Mottes had served six months of a nine months' sentence, imposed upon him for Assault and Battery, with intent to kill, and he had made an excellent prison record, as shown by the following statement of the Superintendent of the Chain-gang: "Mottes has been one of the best prisoners I have ever worked."

The record in this case contains the following petition to me for Executive clemency, signed by eleven of the trial Jurors. (The twelfth Juror could not be located.)

"This man was tried and convicted in his absence. On the day following his conviction, the Defendant voluntarily appeared in Court and received his sentence.

"A number of us since the trial have investigated the facts and circumstances brought out by the prosecuting witnesses at the trial, and are convinced that had the Defendant been present with his witnesses that he would have been acquitted, and that under the circumstances Executive clemency should be allowed.

"The Defendant who is a native of France, who married an Aiken County girl, and who made Aiken County his home, was

residing with his wife and father-in-law on a plantation adjoining the Bartons. Mr. A. W. Reynolds foreclosed a mortgage he held against the prosecuting witness in this case, Charlie Barton, and the purchase at the foreclosure sale put Mr. and Mrs. Mottes in possession of the Barton lands. The resentment of the Bartons at this step appears to be the beginning of the trouble. The prosecuting witness, Charlie Barton, and other members of the Barton family, made divers threats in the community against Mr. and Mrs. Mottes, and on the twenty-fifth of September, 1929, the Bartons, six in number, waylaid Mr. and Mrs. Mottes as they were traveling from their house to a nearby country store, and raised a difficulty with him, in which Mr. Mottes was severely beaten, and Mrs. Mottes was being beaten and manhandled by them (all of this taking place on the plantation of Mr. Mottes' father) when Mr. Mottes shot in defense of himself and his wife.

"The Defendant speaks only a few words of English, and understands very little of the English language. When arrested he furnished bond, but did not employ an Attorney to represent him in Court. He was informed that his case would not be called in Court before Tuesday of the second week of the October term. The case was called, and was tried on Monday of the second week, neither Mr. Mottes nor any of his witnesses being present. Mr. Mottes at the time was at work about six miles away from Aiken, and expecting to come to Court the next morning, which he did do, to learn that he had been tried and convicted the previous day in his absence, and he was thereupon sentenced.

"From the investigation made since the trial, it appears that the foregoing are the true facts of the case and that this man should receive Executive clemency."

OWENS, BUD: Spartanburg County. Sentence Suspended, during good behavior, on January 20, 1931.

The record in this case shows that this prisoner, a negro, had served nearly five years of a ten year sentence for Burglary, and that he made a good prisoner. From the records before me, I also entertain serious doubt as to whether Owens was actually guilty of the crime for which he was convicted and serving.

PATE, JOHN HENRY: Sumter County. Sentence Suspended, during good behavior, on July 8, 1930.

I was actuated, in suspending the sentence of Pate, a boy of eighteen years, by the favorable recommendations of the Presiding Judge, the Solicitor and the Board of Pardons. This boy attempted forgery, but, apparently, because of his inexperience, the job was a crude one, and little of value, if anything was lost. Pate's education was limited, and he had gotten into bad company.

PETTY, LEE: Union County. Sentence Suspended, during good behavior, on January 22, 1930.

Petty was convicted of Assault and Battery, and was sentenced to serve three months or to pay a fine of two hundred dollars. He had paid \$115.00 of the fine, but, due to his difficulty in securing regular employment in the mills, had not been able to finish payment.

Petty, according to the trial Judge and Solicitor, who recommended clemency for him, had great provocation for his act, in that the men he assaulted had attacked his crippled child. They also called attention to the fact that this was his first offense.

In issuing this suspension of sentence, I was supported, not only by the recommendations of the Judge and Solicitor, but by the Sheriff of Lee County, the Clerk of Court, the Speaker of the House, and other prominent citizens and Officials who were familiar with the circumstances surrounding the case.

PITTS, HARVEY, JR.: Calhoun County. Sentence Suspended, during good behavior, on January 16, 1931.

Pitts was convicted of House-breaking and Larceny, and was sentenced to serve twelve months.

A petition signed by the trial Judge and the Solicitor, and a number of well known Officials and citizens of Calhoun County, including the Sheriff and Supervisor, was placed before me, stating that in the opinion of these Officials Pitts had been sufficiently punished. He had entered a store and taken about five dollars worth of goods. He had served about nine months, in-

cluding the time he was imprisoned prior to beginning the actual serving of his sentence.

The Board of Pardons, the trial Judge, the Solicitor, and the prosecuting witness also recommended clemency in this case.

POSEY, JERVEY: Greenville County. Sentence Suspended, during good behavior, on January 7, 1930.

Posey was serving a two year sentence in the Federal Prison when I received a letter in his behalf from the Warden, stating that his conduct had been excellent there, and that the Federal Parole Board felt him to be deserving of another chance to start life anew. His good conduct and faithfulness to duty there had impressed upon the Board.

However, Posey had, during the year 1923, been given a three year sentence for Larceny of an Automobile. (His Federal offense was Violating the Prohibition Law) and former Governor McLeod granted him a Suspension of his sentence during the year 1923. When the information reached me that Posey had been put in the Federal Prison, knowing him to be a paroled prisoner, I immediately revoked the Suspension of his sentence in October, 1930. Upon learning of this former suspension of sentence hanging over Posey, to be served when he left the Federal Prison, the Parole Board was unwilling to grant him a parole, unless Posey was again paroled by the State authorities.

In view of the earnest appeal of the Federal Parole Board in Posey's behalf, and also the interest taken in his case by a number of good citizens of Greenville, I felt that the ends of justice would be met by giving him an opportunity to take advantage of the parole offered him by the Federal Prison authorities.

PRIESTER, JENSIE: Barnwell County. Sentence Suspended, during good behavior, on March 17, 1930.

This petitioner, a negro woman, was sentenced to serve six months for Malicious Mischief. She was ignorant, and did not know that her case was to be tried at the time it was called, and for this reason, she was tried during her absence. However, she surrendered immediately, and began serving her sentence when she learned of her conviction. She is in very bad health, however, and was ill all the time during the two and a

half months she served. For this reason, the trial Judge and the Solicitor, also the Sheriff of the County, recommended that she be granted a suspension of her sentence. In addition to the fact that I felt mercy should be shown this petitioner, in view of her physical condition, the prosecuting witness against her, Mr. M. B. Hagood, submitted an affidavit to me, stating that after a thorough investigation of the facts connected with this woman's offense he felt that the two and a half months' service was sufficient punishment for her.

QUICK, SOL.: Marlboro County. Sentence Suspended, during good behavior, on December 19, 1930.

The sentence in this case was from fifteen to thirty years, for Manslaughter, and Quick had served four and a half years. He was first on the Marlboro Chain-gang, but later, because of ill health, he was transferred to the Penitentiary. His prison record at both places was excellent, though he was unable to perform any manual labor. According to the physicians who have treated him, he is suffering from High Blood Pressure.

It seems that Quick killed his Cousin, while shooting at another man, and that there was no ill will or malice for the deceased. The father of the man who was killed recommended a parole for Quick, stating that he did not believe Quick intended to kill his son.

In addition to Quick's bad health, a factor which always appeals to me in reaching decisions for or against mercy to criminals, I took into consideration the good prison record he had established, the lack of malice for the man he killed, the voluminous petition in his behalf circulated throughout Marlboro County, and the favorable recommendations of the trial Judge, the Solicitor and the Board of Pardons.

RANDALL, ANDREW P.: Aiken County. Sentence Suspended, during good behavior, on July 2, 1930.

This man was convicted of Burglary and Larceny, and was sentenced to serve one year. He served eight months prior to the time he was released.

The trial Judge and the Solicitor recommended a parole for Randall. A petition in his behalf was also submitted to me,

signed by Officials of Aiken County, and several hundred citizens. This petition sets forth the fact that Randall is feeble-minded, and is subject to frequent nervous attacks and mental lapses, and that it was during one of these attacks that he committed this crime, which he would have not have committed had he been himself.

RHODES, LAURIE: Colleton County. Paroled, during good behavior, on February 4, 1920.

Rhodes, a young negro, thirteen years of age, was convicted of Rape in April, 1919, and was given a sentence of Life Imprisonment.

During the eleven years this petitioner served at the State Farm he made an excellent prison record. In view of his youth, long service, and good conduct, clemency was recommended for him by Solicitor George Warren, who prosecuted Rhodes, the two Superintendents of the State Farm, where Rhodes was imprisoned, and the Board of Pardons. The Judge who presided at the trial has since died.

In the order suspending the sentence of Rhodes the condition was stipulated that he should not at any time return to Colleton County, in which event his parole would be immediately revoked.

RICE, SAM (alias SIM): Bamberg County. Sentence suspended, during good behavior, on September 20, 1930.

Rice's offense was House-breaking and Larceny, and Receiving Stolen Goods, and he was sentenced to serve four years.

After Rice, who is colored, had served two years of his four year sentence, the Solicitor who prosecuted him, Mr. Carter, wrote me recommending that he be released for the reason that his wife was in a dying condition, and that she was entirely dependent upon the white people of her community to take care of her. There were also children in the family. The Solicitor's letter was also accompanied by a petition, signed by Officials and citizens of Bamberg County. In accord with the custom adopted by me, I referred the appeal to the Board of Pardons, and their recommendation was that I grant the prayer of the petitioner that he be permitted to go home to his ill wife, with the remainder of his sentence suspended.

RICE, SAM, CLEVE GARLINGTON and ALLEN WILLIAMS: Laurens County. Paroled, during good behavior.

A fight and a homicide, growing out of a gambling row, resulted in the conviction of these three Defendants for Murder, and a sentence of Life Imprisonment for each.

These men had served ten years, and had made good prison records. When the case was first called to my attention the Solicitor and the Board of Pardons recommended a suspension of the sentence of Sam Rice, feeling that he had been sufficiently punished, and that, owing to the fact that he is now getting old, the ends of justice would not require exacting any longer servitude from him. I, therefore, paroled him on February 21, 1930.

The fatal blow was struck by one of the three Defendants. Later, I felt that the other two Defendants were entitled to the same clemency at my hands as that shown in the case of Rice, there being no means of determining which one of the three was guiltier than the other. For this reason, I also paroled Garlington and Williams, Garlington being released on April 21, 1930, and Allen Williams on March 21, 1930.

RICHARDSON, SIM: Richland County. Sentence Suspended, during good behavior, on January 20, 1931.

The usual custom has been that the out-going Governor shall select a convict, who it is felt is entitled to Executive Clemency upon the service of a period of time, which convict is to be trained to handle the furnace, and to do other necessary work around the Governor's Mansion, and further, if the prisoner has rendered faithful service, that his sentence be commuted. Governor McLeod, upon recommendation of the Superintendent of the Penitentiary, selected Sim Richardson for this work at the Mansion. Sim served nearly four years at the Mansion, and rendered faithful service. Therefore, I suspended his sentence upon good behavior when my Administration came to a close. This was with the approval of the Superintendent of the Penitentiary.

Sim was sentenced to serve Life Imprisonment for murder in, 1923.

RIVERS, PINCKNEY: Richland County. Sentence Suspended, during good behavior, on May 9, 1930.

I suspended this man's sentence because of his physical condition. He had suffered an attack of blood poisoning while on the Chain-gang, and was confined to the hospital for two months. Dr. LaBorde, at the time he was released, stated that he was not physically able to do the work required of the convicts.

Rivers had been sentenced to serve two years for Forgery in one case, and fifteen months on another, the two sentences to run concurrently. He had served most of his time, and had made a good record as a prisoner. The Board of Pardons thought he should be released, and so recommended to me.

RIVERS, WATSON A.: Anderson County. Sentence Suspended, during good behavior, on January 12, 1931, on condition that he report monthly to Mr. Henry S. Thomas of Charlotte, North Carolina, as to his good conduct, and that Mr. Thomas inform the Governor of the State of any failure on his part to live up to the terms of Good Behavior stipulated in his suspension of sentence.

Rivers is a young white man, who, in company with several other young men, was convicted of breaking into a filling station. Rivers, however, stated that he was not guilty, but that he had been drinking, and that while he was asleep in the car his companions entered the filling station in question.

The sentence imposed in this case was twelve months. He served about four months of this on the Chain-gang. In view of his youth, I felt that I would be justified in releasing Rivers on parole, with the condition that Mr. Thomas look after him, and see that he behaved.

ROBINSON, AMOS: Aiken County. Sentence Suspended, during good behavior, on January 16, 1931.

Robinson, a negro, had served nearly fifteen years on the Aiken County Chain-gang. He killed his wife after she had been carrying on with another man.

This case was brought to my attention by the County Board of Commissioners, who stated that Robinson had made an excellent prisoner. A large number of citizens of Aiken signed a petition in his behalf, and Solicitor Gunter, who prosecuted

him, also recommended his release, stating that he had been sufficiently punished for his crime.

ROBINSON, EDWARD: Orangeburg County. Sentence Suspended, during good behavior, on November 24, 1930.

I was actuated in showing clemency to Robinson by the letter I received from Solicitor Hydrick, stating that Robinson had served sixty days of a three months' sentence, and that he felt that he had been sufficiently punished, also that his wife and five children were in dire need of his support. A petition in Robinson's behalf was also presented to me, signed by a number of well known citizens of Orangeburg, who were familiar with the circumstances surrounding the case.

ROBERTSON, GEORGE: Spartanburg County. Sentence Suspended, on January 16, 1931.

Robertson was sentenced to serve one year for House-breaking and Larceny. A petition in his behalf was presented to me, after he had served nearly nine months, stating that this was his first offense, that he was the only support of his widowed mother, and that he had made an excellent prisoner. The Board of Pardons, the trial Solicitor and the Judge recommended the release of Robertson, he having given his solemn promise that he would not again violate the law in the future.

ROWE, ROBERT: Aiken County. Sentence Suspended, during good behavior, on January 14, 1930.

Rowe was charged with Forgery. He pleaded guilty before the Court, and was sentenced to serve twelve months. However, the amount of the check he forged was only ten dollars, and he served eight months. I felt that this service was sufficient punishment for him, and that it would be wise to leave the remaining four months of his sentence suspended, in case he again erred.

ROBINSON, WILLIE MAY: Cherokee County. Sentence Suspended, during good behavior, on January 1, 1930.

I released this woman upon request of the Superintendent of the Penitentiary. She had served most of her sentence of three months for Assault and Battery, and she was soon to give birth to a child. I released her, in order that she might go to her home, where she could receive the necessary care and attention her condition demanded.

SEAWRIGHT, ANNIE: Orangeburg County. Sentence Suspended, during good behavior, on February 13, 1930.

Annie is a negro woman, who was convicted of killing a colored man in a fight. There was evidence introduced by the Defense at the trial showing that when she killed the man he was attempting to assault her.

In addition to the above statement of extenuating fact connected with the case, the records of this case disclose the fact that Judge Devore, who has since died, made the statement that when Annie had served six months he would recommend the suspension of the remainder of her sentence. Solicitor Hydrick also recommended her release after she had served one year.

During the year she served in the Orangeburg County Jail, Annie made a splendid record, and rendered splendid service to the County as Cook at the Jail.

SEIGLER, JOHN: Richland County. Convicted of Grand Larceny, and sentenced to serve ten months.

Sentence Suspended, during good behavior, on September 22, 1930.

The circumstances in connection with this case were unusually pitiful. This young white man was out of employment, and, according to the petition presented to me, entered the house of a neighbor and took two small pieces of meat for his wife and children, whom it is stated were hungry. This was his first offense, and upon presenting the petition to the trial Judge, trial Solicitor, and the Board of Pardons, a recommendation that Seigler be paroled was received from each. The Pacific Mills at Columbia, where Seigler was formerly employed, offered him employment, and I felt that all ends of justice would be met by granting him a suspended sentence during good behavior.

For a number of months the Associated Charities of Columbia had looked after Seigler's destitute family, and a number of

Columbia citizens joined with them in asking for clemency. Mrs. Sidney Smith of the Associated Charities took an unusual interest in the case, and appeared before the Board of Pardons, in his behalf.

SHANNON, GIRT F.: (See D. K. Tyler) Horry County.

These two young men were tried and convicted of the same offense, at the same time, and the same reasons actuated me in Suspending the Sentences of both, on May 13, 1930.

SHELLEY, BURROUGHS: Horry County. Sentence Suspended, during good behavior, on January 19, 1931.

Shelley, a young white man, killed his friend while they were both drunk. He pleaded guilty of Manslaughter, and was sentenced to serve five years. A number of good citizens of Horry County, who sympathized with him deeply because of the circumstances surrounding the homicide, petitioned me to release him. At the time he had served about two years on the Chain-gang. Solicitor Gasque, in recommending clemency, made the following statement:

"I remember the case of Burroughs Shelley. This was purely an unfortunate affair, with no malice connected with the case. Therefore, I think the punishment has been sufficient, and I recommend a parole, which I think will meet the ends of justice, and perhaps make a good citizen of this unfortunate young man."

SINGLEY, M. R.: Newberry County. Sentence Suspended, during good behavior, on April 23, 1930.

Singley had served eighteen months of a two year sentence, and his conduct as a prisoner was good. A petition in his behalf, bearing the names of several hundred citizens of Newberry County, was presented to me. Clemency was also recommended in this case by the Board of Pardons, the trial Judge and Solicitor.

SCOTT, MILTON: Spartanburg County. Sentence Suspended, during good behavior, after January 4, 1932, at which time he will have served six years of his sentence.

Scott was a life term, sent to the Penitentiary in January, 1926, for Murder. I granted him this commutation of his sentence upon the following request of the Superintendent of the Penitentiary, Mr. Pearman, and the Captain of the Guard, Mr. J. Olin Sanders:

"Scott has been a full trusty for quite a long time, and has proven his worth in a great many ways. I think you have probably noticed him while working around the Mansion and Grounds. I am sure that we haven't a man here who is more deserving of consideration than this negro. Both Captain Sanders and I heartily recommend him to you for some form of clemency."

SMART, JEFFREY: Florence County. Sentence Suspended, during good behavior, on March 18, 1930.

Smart was sentenced to serve from seven to fourteen years for Manslaughter, and began serving on June 18, 1925.

Out of the twelve jurors who rendered the verdict of guilty of Manslaughter, one Juror, Mr. H. B. Newsome, who acted as foreman, has since died. Another of the twelve could not be located, and four of them declined to recommend clemency. However, six of the trial Jurors felt that Smart had been sufficiently punished for his deed, and recommended that he be paroled. The trial Judge, Hon. S. W. G. Shipp, Solicitor L. M. Gasque, who prosecuted Smart, the Chairman and four members of the Florence County Governing Board, a number of the County Officers, and numerous good citizens of the County, recommended his release. The Foreman of the Chain-gang, under whom Smart had been serving his sentence, testified to his excellent record as a prisoner, and voiced the opinion that he felt Smart acted in self-defense when he killed Clarence Hart.

Taking into consideration the recommendation of all these officials and citizens who stand for law enforcement, I felt that I would be justified in granting Smart a suspension of his sentence.

SMITH, JAMES: Colleton County. Sentence Suspended, on October 29, 1930, after he had served over a year of his two year sentence for Manslaughter.

A petition, the accuracy of which was verified by the trial Judge and the Solicitor, was placed before me in Smith's behalf, in which it was stated that several members of the Jury believed that their verdict of "Involuntary Manslaughter, and Carrying Concealed Weapons," would carry a sentence of not more than thirty or sixty days. The trial Judge stated to Smith, in open Court, the Solicitor concurring, that while he would have to sentence him to serve the minimum sentence for Manslaughter, *i. e.*, two years, he would recommend clemency for him when he had served six months. This he did, and the Solicitor joined with him in asking for mercy.

The records also show that Smith, and another negro boy, Cephes Watson, who were friends, were examining a pistol when it went off and killed Watson. The uncontradicted testimony was that the homicide was the result of negligence and carelessness rather than intent to kill.

SMITH, LOUIS: Greenville County. Sentence Suspended, during good behavior, on September 24, 1930.

Smith is a young white man who, along with two other young white men, was found guilty of stealing an automobile. In finding him guilty the Jury recommended him to mercy.

Dr. William D. Simpson, an outstanding citizen of Greenville County, became very much interested in the case of this young man, and interceded with me in his behalf. I was moved to grant clemency in this case upon his recommendation, and the fact that he, Dr. Simpson, was willing to keep the young man under his supervision, making quarterly reports to the Governor as to his behavior in the future.

Also in Smith's favor, was the splendid prison record he had made, the fact that he had served two-thirds of his sentence, and the fact that the Chain-gang guard under whom he had served recommended his release.

While the theft of an automobile is a very serious offense, I felt that this was the case of a young man, erring in his youth, and that if given another chance to make good that it might be the means of reclaiming him into a law-abiding citizen.

SMITH, TOWNSEND: Union County. Sentence Suspended, during good behavior, on February 28, 1930.

I granted this man's suspension of sentence upon a petition in his behalf, stating that he previously bore a good record, and that he had served all of his six months' sentence except one month. The petition further stated that Smith had a dependent wife and children, and that he was anxious to leave the Chain-gang in time to start his crop for their support. The trial Solicitor felt that the ends of justice would be met by granting him this request.

SPROUSE, O'NEAL: Edgefield County. Sentence Suspended, during good behavior, on February 1, 1930.

Sprouse, a young white man, was convicted of Manslaughter, and was sentenced to serve five years. It is claimed in the petition in his behalf, which was signed by several hundred citizens, that another man made Sprouse drink, and gave him a rifle with which he killed a man named Smith. In view of these extenuating circumstances, the fact that he had served approximately half of his sentence, and also that clemency was recommended for him by the trial Judge, the Sheriff of the County, the County delegation, and other prominent officials, I felt that I would be justified in permitting him to return to his young wife and children. Sprouse also made a splendid record as a prisoner.

STALVEY, LILLIE: Richland County. Sentence Suspended on April 7, 1930.

This petitioner, a white woman, the mother of several small children, killed another woman who had alienated the affections of her Common-Law husband. She was convicted of Manslaughter, and was sentenced to serve from three to six years. She served two years of this time.

There were extenuating circumstances connected with this woman's crime, as shown in the records of the case. Public sentiment was greatly aroused at the time of the homicide, and the sympathies of the vast majority of those who followed the case were with Mrs. Stalvey, in fact, many of them felt that she should never have been convicted. If those who violate the "Unwritten Law" are to receive mercy, as they often do, at the hands of our Juries, this woman was entitled to mercy at the hands of the Jury who sentenced her.

A large number of citizens of Richland County signed a petition for the release of Mrs. Stalvey. Among the signers were the Sheriff of the County, the County Supervisor, and the entire Legislative delegation. These petitioners felt that two years' service was sufficient punishment, under the circumstances. The Board of Pardons also thought she had suffered enough to vindicate the law, and they recommended for her a full Pardon, after service of two years. I did not grant a Pardon, however, but released Mrs. Stalvey under a Suspension of her Sentence, during her good behavior.

STEELE, JAMES: Aiken County. Convicted of Manslaughter, and sentenced to serve nine years. Sentence Suspended, during good behavior, after service of four years. He will therefore be released on January 17, 1932.

This young white man was tried and convicted of killing another white man in Aiken County, the homicide growing out of domestic difficulties. Eight of the trial jurors (two are dead) recommended clemency. The trial Judge in recommending clemency for Steele said:

"The sentence of nine years imposed on this defendant has always worried me, and it has been my intention to write Mr. Steele so that he could use the letter in case of my death. . . . At the time of the killing he was exerting every effort to avoid the difficulty, but at the moment he took the life it was not necessary for him to do so, although I was thoroughly convinced that it would have been only a short while before he would have had to take this life or himself have been killed. Mr. Steele struck me as being a higher class of citizen than is ordinarily found in mill villages, and while he had grievously wronged the deceased, he was doing his utmost to break away from the entire affair."

Neither the trial Solicitor nor Board of Pardons recommended clemency in this case. The Penitentiary Board of Directors recommended clemency for Steele, and the Superintendent of the Penitentiary gave him an excellent prison record. The Captain of the Penitentiary Guard joined in the plea for clemency for Steele. Therefore, after careful consideration, I felt that the ends of justice would be met by reducing his sentence

to four years, leaving five years of the sentence suspended during good behavior.

STEVENS, MOSE: Spartanburg County. Sentence Suspended, during good behavior, on January 19, 1931, after service of three years.

Stevens was convicted of Arson, and House-breaking and Larceny, and Receiving Stolen Goods. Two sentences of ten years and two years were imposed, to run concurrently.

The Mayor, Ex-Mayor, Chief of Police, and prominent citizens of Woodruff, petitioned me to parole Stevens, for the reason that others equally guilty had been given sentences ranging from six months to two years, and Stevens had at that time served over two years. The trial Solicitor, and the Judge, recommended a parole for Stevens, after he had served three years, in which recommendation the Board of Pardons concurred. The order releasing him will not become effective until the three years have actually been served.

STEWART, RIPLEY CLARK: Chester County. Sentence Suspended, during good behavior, on July 12, 1930.

Stewart was convicted of shooting Barte Y. Milam in April, 1927. The records show that they were good friends, and it was claimed by Stewart that Milam was killed as a result of an accident and careless handling of fire arms.

Clemency in this case was recommended by the Board of Pardons, the Board of Directors of the Penitentiary, where Stewart had established a splendid record, the trial Solicitor, and a large number of well known people of Chester County, who were familiar with the circumstances surrounding the homicide.

SULLIVAN, FURMAN: Laurens County. Sentence Suspended, during good behavior, on July 23, 1930.

Sullivan violated the Prohibition Law, and was sentenced to serve twelve months. The trial Solicitor recommended a parole for him, after he had served from the third of November, 1929, until the date of his release. The trial Solicitor, in recommending clemency for Sullivan, felt that it was only fair to extend

it to him, in view of the fact that Oscar Melton, a co-defendant, had been paroled after the service of two months.

SWEAT, KIRBY: Orangeburg County. Sentence Suspended, during good behavior, on August 23, 1930.

Sweat is a young negro boy, fifteen years old, who accidentally killed his brother. Judge Mann, who presided at his trial, accepted a plea of guilty, and sentenced him to serve his sentence at the Negro Reformatory. Upon being unable to get in the Reformatory, because of over-crowded conditions there, he was retained in the Orangeburg County Jail, and he was imprisoned there when I released him. Sweat's crime was Involuntary Manslaughter, and his sentence two years. He served about twenty-seven months in all.

TART, CLYDE: Dillon County. Sentence Suspended, during good behavior, on March 20, 1930, with the understanding that he remain out of the State of South Carolina.

Tart began serving in October, 1927. His offense was Assault and Battery, for which he was sentenced to serve from four to eight years. He had also been convicted, previously, in 1920, and was sentenced to serve nine months for House-breaking and Larceny.

On November 14, 1928, I issued an order suspending Tart's sentence, during good behavior, but later, on January 23, 1929, I revoked this order, upon receipt of information from the Sheriff and Treasurer of Dillon County, to the effect that Tart had been giving the Officers of the County considerable trouble. Tart, however, was not returned to prison until March, 1930, for the reason that he could not be apprehended. A charge of Disorderly conduct was made against him, but when he did return, and was apprehended and placed in jail, this charge could not be substantiated. The case against him was dismissed.

In view of the fact that I had recalled the Suspension of Sentence granted Tart, although he was not guilty of this last offense, he would have had to serve the remainder of his former sentence, from which service he had been paroled. In order to relieve him of this, I granted the second suspension of sentence cited above.

My decision to give Tart another chance was actuated by the earnest plea made in his behalf by Senator Ard of Williamsburg County, who knows Tart and his history and the circumstances surrounding his career in Dillon County, Senator R. S. Rogers, the two House Members from Dillon, and a number of substantial citizens.

Tart's record, of course, had not been an enviable one, but it was thought by those who were interested in him that he had been the victim of circumstances in some of his infractions against the law, and that his conduct had been aggravated by the fact that he believed all the Dillon County Officers "had it in for him." Believing that the punishment of criminals should be administered with the idea of reforming, and that in some cases mercy in lieu of exacting the full penalty of the law brings about the desired end, I gave Tart a second suspension of sentence, hoping that his experience with the law, and a chance to start life anew in another State, while he is still young, would serve as an incentive to him to reclaim his life and good citizenship.

THOMAS, FRANK: Newberry County. Sentence Suspended, during good behavior, on October 20, 1930.

Thomas had served sixty days of his sentence, and his prison record was excellent. The Judge who sentenced him recommended that he be paroled, after serving two months, and the Solicitor recommended clemency after he had served one month. Thomas also presented to me a petition signed by a number of good citizens of Kershaw County, including the Sheriff.

THRASHER, W. B.: Anderson County. Sentence Suspended on April 2, 1930.

Thrasher was convicted of Non-Support, in February, 1928, and was sentenced to serve twelve months. He had served six months of his time.

Clemency was granted in this case upon the recommendation of the trial Judge, the Solicitor, the wife and her father, and also the Board of Pardons, who stipulated in their recommendation that the suspension be conditional upon Thrasher's working and supporting his family. This condition was interposed

in the order releasing him, and in case he fails to live up to the obligation he will be returned to prison to complete serving his sentence.

TIMMERMAN, JIM: Greenville County. Sentence Suspended, during good behavior, on July 28, 1930, on condition that he be placed in a Government Hospital for treatment, by the Sheriff of Greenville County.

Timmerman is a disabled Soldier who Violated the Prohibition Law. He was in a Government Hospital for treatment at the time of his trial. For this reason, the Judge, in passing sentence upon him of twelve months, six months each under two indictments, suspended his sentence, on condition that he remain in the Hospital. Had he complied with this condition, he would not have been placed on the Chain-Gang under a Bench Warrant, which was issued for his arrest when he returned to Greenville without authority to do so. It seems that he came for the purpose of visiting a sick child, however. He remained on the Chain-gang for four months.

Clemency for Timmerman was recommended by Judge M. F. Ansel of the Greenville County Court, the Solicitor, the County Supervisor, the County Physician, and other Officials of the County.

TURBEVILLE, JOHN: Dillon County. Convicted of House-breaking and Larceny, and sentenced to serve eighteen months. Sentence suspended, during good behavior, on January 17, 1931.

A petition signed by the Judge of Probate, Mayor of Dillon, and other prominent officials and citizens of Dillon County, was placed before me, asking for clemency for Turbeville, on the grounds that he bore a good reputation, and that he had been sufficiently punished. Turbeville stole goods to the value of eight dollars from the filling station of his cousin, Stonewall Jackson, which goods were returned. Jackson prosecuted him but later joined in petition for clemency, feeling that he had been sufficiently punished, and that bad associates and liquor had caused the trouble.

The trial Judge, the Solicitor, and the Board of Pardons recommended clemency for Turbeville. He had served prac-

tically one year of his sentence of eighteen months,, and his prison record was excellent.

TURNER, DAVID: Union County. Paroled, during good behavior, on May 13th, 1930.

This petitioner is a white farmer, who, according to the records before me, killed his Cousin, who had been extended hospitality in his home, and who, Turner believed, had taken advantage of that hospitality by violating the sanctity of his home in attacking his wife. The fact that Turner acted under such provocation I regarded as an extenuating circumstance connected with the killing, and doubly so, in view of the fact that Turner, believing that this man had attacked his wife, went to Officers of the law, and received no encouragement or efforts on their part to apprehend the deceased, other than the statement that he, Turner, had the power himself to arrest him. He at once instituted a search for the man, and when he came upon him unexpectedly, and the man fled, he fired a shot which proved fatal.

Turner had served seven years at the time he was released. The Board of Pardons, the trial Judge, the Solicitor, the County Supervisor and a large number of Officials and citizens of Union County concurred with me in the opinion that Turner had been sufficiently punished, as shown by the statements made to him in his behalf now on file in my Office.

TYLER, D. K., and GIRT F. SHANNON: Horry County. Sentences of both suspended, during good behavior, on May 13, 1930.

Tyler and Shannon were sentenced to serve from two to four years before Judge M. L. Bonham, in March, 1927, for Assault and Battery with Intent to Kill.

Clemency was granted in this case upon the statement of Judge Bonham, who stated when he sentenced them, that his information was they had previously borne a reputation for good character, that they had evidently been misled by mad associates, and that he would recommend clemency for them. The Solicitor concurred with the Judge in this opinion. Others who felt that clemency would not be amiss in this case, and so recommended, were the County Board of Commissioners, and a large number of other Officials and citizens of Horry County.

VALENTINE, ABIGAIL: Greenville County. Sentence Suspended, during good behavior, on March 3, 1930.

Abigail, a colored woman, was twice tried for killing a colored man, with whom she had had difficulties while she was estranged from her husband. She was first sentenced to serve Life Imprisonment, but, at a second trial granted her, she was given a three to six year sentence.

This woman bore a splendid reputation prior to this time, and during her service of two and a half years, as cook at the County Jail, she made a model prisoner. The Jailer, Mr. Christopher, took a great deal of interest in her behalf, and joined in with the Senator and a number of other Officers and citizens of Greenville County, the trial Judge and the Solicitor, in recommending that she be paroled. Several people in whose homes Abigail had served as a domestic servant for long periods also testified to her good character and honesty, and expressed the belief that society would in no way suffer if she were allowed to return to her two children, who were sadly in need of her care and protection.

WALKER, FILMORE T.: Greenwood County. Sentence Suspended, during good behavior, on December 30, 1930.

I was moved to extend clemency in this case upon the request of Judge Featherstone, who imposed a total sentence of two and a half years upon Walker, for Assault and Battery, Carrying Concealed Weapons, and Violating the Prohibition Law. He had served five months of his time. His wife was suffering from Pellagra, and was utterly unable to support and take care of their five helpless children. For this reason I carried out the recommendation of the Judge, who was also willing to temper justice with mercy in this case in order that Walker might return to his helpless family. In case he again violates the law the remainder of his sentence is still hanging over him to be served.

WATSON, GRADY: Anderson County. Sentence Suspended, during good behavior, on April 22, 1930.

Watson, a colored man, was convicted of Murder fourteen years ago, and was given a sentence of Life Imprisonment. At

the time of his conviction he was just eighteen years old. The killing occurred on Christmas night, when Watson had been drinking. It seems he had been robbed of twenty-five dollars by another negro named Harper, and he, Watson, attempted to follow Harper, and shot at him through the window of a house into which he thought he had gone. The man who was struck by the bullet, however, and who died from the shot, proved to be somebody else, and not Harper, who had robbed Watson.

During the fourteen years of service given the State by Watson he made a faithful prisoner. He never gave the Officers any trouble at all, and on several occasions he aided them in the capture of escaped convicts.

A large number of the County Officials of Anderson County, including Senator Greene and several of the House members, and numerous other representative citizens of the County, recommended clemency for Watson. The trial Solicitor and the Board of Pardons, and Officers of the Chain-gang under whom Watson had worked, also felt that his was a case where Executive clemency would not be amiss.

WATTS, GORHAM F.: Horry County. Sentence Suspended, during good behavior, on March 24, 1930, upon payment of a fine of one hundred dollars.

Watts was sentenced to serve one year, or to pay a fine of five hundred dollars. His offense was Assault and Battery with Intent to Kill.

The petition presented to me, signed by numerous good citizens of Horry and adjoining Counties, states that the Jury was doubtful about the guilt of Watts, as indicated by the long time they took to render a verdict of guilty. When the verdict was rendered mercy was recommended. It seems that the fight in question took place at night, and it is thought by some that the man assailed could not be certain who struck him.

The petition also bears a statement from a reputable physician of the County, to the effect that Watts was suffering from rheumatism, and that if he had to serve his sentence, in lieu of paying a fine that could be raised by him, his rheumatism would be greatly aggravated.

I concluded, after taking all the facts before me into consideration, and especially the fact that the Judge had given an

alternative sentence of either a fine or service, that I would be justified in suspending the sentence upon the payment of one hundred dollars. Watts was not able to raise the five hundred dollars called for in the Judge's sentence, and he would have had to serve the prison term had not this clemency been granted him.

WEAVER, LEO: Darlington County. Sentence Suspended, during good behavior, on July 7, 1930.

In this case the trial Judge, and the Solicitor, stated to Weaver, in the Court Room, that they felt sixty days' punishment would be sufficient for him, and that they would, after he had served that much time, recommend that the Governor suspend his sentence, in lieu of permitting him to serve the sentence of one year actually imposed upon him for House-breaking and Larceny. This being true, I felt that the two months was the sentence the Judge actually intended for him to serve, though I wish to take this means of expressing my disapproval of sentences being imposed where it is mandatory upon the Governor to act in order to carry out the wishes of the Judge as to the punishment the Defendant should receive. However, I did not feel that the boy should be made to suffer the penalty of the entire sentence imposed, when the Judge and Solicitor admitted they felt sixty days would satisfy the demands of the law.

Weaver, it seems, bore a splendid reputation up to this time, and his implication in this crime was the result of bad company. The records disclose the fact he did not actually enter the store with the other defendants tried along with him, and that he pleaded guilty, and did everything in his power to help bring the other guilty parties to justice. He was unable to employ Counsel to defend him. He is a white boy, seventeen years old. He had served three months when released.

WHITWORTH, PAUL: Oconee County. Sentence Suspended, during good behavior, on April 30, 1930, on condition that he remain in the State of Georgia, where he is now living, and not return to the State of South Carolina.

Whitworth had been convicted of Transporting Liquor, and was given a sentence of twelve months. The trial Solicitor, the

Supervisor, the Clerk of Court, the Sheriff and other Officials and citizens of Greenville, petitioned that clemency be shown this man. The circumstances surrounding his case were as follows:

Whitworth was not present at his trial, owing to a misunderstanding, and a sealed sentence was imposed. He was in the Court room Tuesday, but did not go on Wednesday, and when he appeared on the following Thursday he found that he had been tried and convicted the day before. He had given three hundred and fifty dollars bond for his appearance at Court, and men of prominence in County affairs in Greenville advised him to forfeit this bond and remain out of the State. This he did, but, upon a trip he made to his home sometime later, as he thought for the purpose of seeing his ill mother, little suspecting that an enemy had lured him back to South Carolina for the purpose of having him arrested, Whitworth was arrested, and placed on the Chain-gang to serve his sentence.

WILLIAMS, ABRAHAM: Orangeburg County. Convicted of Rape in September, 1921, and sentenced to Die by Electrocution, but which Death Sentence was commuted to Life Imprisonment by former Governor R. A. Cooper. Sentence Suspended on September 17, 1930.

The trial Solicitor, Hon. A. J. Hydrick, the Board of Directors of the Penitentiary, the Board of Pardons, and a large number of citizens recommended relief for this petitioner, who is an old negro man. The report of the Pardon Board after their investigations into the case is as follows:

"The Board has carefully considered this case over a period of some months. The record has been submitted to the authorities at the State Hospital for their inspection and recommendation. The Chairman of the Board has personally interviewed the prisoner, and the authorities at the Penitentiary have cooperated in giving to the Board all possible information.

The investigation of the Board indicates that there is grave doubt as to the guilt of the prisoner of the offense for which he was convicted. This doubt, with the age, time served, and prison record of the petitioner, lead the Board to believe that the ends of justice have been met, and that it is advisable for this prisoner to receive a parole.

The Board, therefore, recommends that the prisoner be paroled, and that Dr. A. H. Hayden, Jr., of Columbia, be asked to make regular reports to the State Penitentiary in regard to the conduct of this prisoner."

WILLIAMS, ALLEN: Laurens County. See SAM RICE file for reasons for granting a Parole, during good behavior, to Rice, Garlington and Williams.

WILLIAMS, WILLIAM ROBERT: (Alias W. R. NELSON) Greenville County. Sentence Suspended, on October 20, 1930.

Williams is a young white boy, who pleaded guilty of House-breaking and Larceny, and was sentenced to serve three years.

The Board of Pardons made the following report, favoring clemency for Williams: "This petitioner was guilty of House-breaking and Larceny at the age of eighteen years. It appears that he turned State's evidence, and received a lighter sentence than the other participants in the robbery. He has served about two and a half years of a three year sentence. In view of his youth, the strong showing of a satisfactory prison record, and family needs, the Board recommends that his sentence be suspended."

The Solicitor's statement is as follows: "This petitioner is a young man, with the possibilities of making a good citizen. I feel confident he was led into the trouble by older men, who were more or less habitual criminals. This boy hasn't the look of a criminal, and I am informed that since serving his time in the Penitentiary he has learned a trade which will better fit him for life after he has completed his sentence there. Under all the circumstances, I most heartily recommend that Your Excellency grant Williams a parole or a full Pardon."

The trial Judge concurred in the opinion of the Solicitor, and recommended that a suspension of sentence be granted Williams.

WILSON, HARRY: Richland County. Sentence Suspended, during good behavior, on January 21, 1931.

Wilson was convicted of Larceny of an Automobile in January, 1929, and was sentenced to serve four years. Of this

sentence he served two years, during which time he made a model prisoner. The Pardon Board made the following report on the case, which covers their reasons for recommending clemency, and my reasons also for concurring in their opinion that I would be justified in releasing Wilson:

"Mr. D. W. Reed, the owner of the stolen automobile, the subject of the larceny in this case, has presented a petition in behalf of the eighteen year old prisoner, and asked clemency for him.

"It appears that he stole Mr. Reed's automobile for the purpose of using it in getting back to his home in the North. He drove it from Columbia to Rock Hill, where it was abandoned for the lack of gasoline. The car was not injured in any way. The circumstances indicate that it was taken for the purpose of transportation, and not for the purpose of keeping it.

"In view of this fact, the youth of the prisoner and the fact that this was his first offense, and on the recommendation of the Judge and Solicitor, the Board recommends that the sentence be suspended after the service of two years."

WINGARD, DAISY: Richland County. Convicted of Man-slaughter in the Spring of 1929, and sentenced to serve three years. Sentence Suspended, during good behavior, on March 10, 1930.

This homicide, in which "Hard Rock Charlie, a negro man was killed by the petitioner, resulted from a fight in which the two had engaged. Daisy claims that Charlie was attempting to stab her at the time she killed him, and that he had previously attempted to stab her, and had threatened to kill her.

After the petitioner's conviction a notice of appeal was taken in her behalf, but it seems that the petitioner's Attorney made an agreement with Solicitor Spigner to the effect that if she served six months of her time the Solicitor would recommend to the Governor that she be granted a parole.

The Board of Pardons, in view of this agreement, recommended that the petitioner's sentence be suspended. The Solicitor, in accord with his agreement, recommended clemency, and concurred in the following statement made by Judge T. J. Mauldin, who presided at the trial:

"I recall this case very well, and the incidents of the trial. There were many extenuating circumstances developed at the trial, and I recall that, at the time of the sentence I stated that after entering upon service of her sentence if she presented a request for Executive Clemency I would recommend that it be granted. I most respectfully urge that the prayer of the petitioner be given favorable consideration."

WITT, WILBUR: FAULKNER, RUFUS: Saluda County. Sentences Suspended, during good behavior, on March 31, 1930.

Clemency was granted these petitioners upon receipt of a petition, signed by the Sheriff of Greenwood County, several Deputies Sheriff, the Supervisor, and entire Legislative delegation, as well as a number of other substantial citizens. The petition showed that Witt and Faulkner, who pleaded guilty of Violating the Prohibition Law when arraigned in Court, were not the owners of the whiskey in question, and that they are not bootleggers. They were sentenced to serve for four months, each, and pay a fine of one hundred and twenty-five dollars.

WRIGHT, DUNK, JR.: Dillon County: Sentence Suspended, during good behavior, on February 6, 1930.

Wright was sentenced to serve twelve months for House-breaking and Grand Larceny, and he had served five months. He is just nineteen years old, and this was his first offense.

The clemency I granted in this case, however, was not because of any merit, or excessive sentence, but was solely for the reason that Wright is in bad condition, physically, as shown by a petition presented to me in his behalf, signed by numbers of good citizens of Dillon County, including the entire Legislative delegation and the County Supervisor, who felt that justice should be tempered with mercy in this case, in view of Wright's condition, and the fact that he is unable to perform manual labor. The County Supervisor, stated that he was an "encumbrance" to the County. Dr. M. A. Saleeby, who has treated Wright for several years made the following statement:

"I hereby certify that I have been for a few years the physician of Dunk Wright, Jr. In the last three years I have had him in the Saunders Memorial Hospital, at Florence, twice.

He has a pus infection of the hip joint, and was operated on twice, opening him at the hip joint, wrist and knee joint. The last discharge, to my knowledge, happened on the seventeenth of October, 1929. He has discharges from these wounds from time to time, and neither I nor the other doctors who have treated Wright are able to predict any relief for him from his trouble at any time soon."

COMMUTATIONS OF SENTENCE

BARNETT, WILL: Greenville County. Sentence of Death by Electrocution Commuted to Life Imprisonment on November 24, 1930.

The Board of Pardons, the trial Judge, and the Solicitor, recommended that this Commutation be granted, for the reason that each believed Barnett would be granted a new trial if an appeal was made to the Supreme Court.

This view was taken by them, in view of the fact that the Judge, admittedly, erred in instructing the Jury in favor of the State. These instructions caused the Jury to render a Verdict of Guilty of Murder, without Recommendation to Mercy, when, according to the Solicitor, the evidence was such that a verdict of Guilty of Murder, with Recommendation to Mercy could have been rendered.

The Solicitor did not base this opinion on any doubt as to Barnett's guilt, for there was no question of that fact, but, in view of the testimony to the effect that Barnett killed his wife as a result of an altercation between his wife, himself, and three grown step-sons, (who took the part of their mother) and that the fatal shot was fired after one of the step-sons had fired on Barnett, the Solicitor felt that it was at least doubtful as to whether Barnett should pay the extreme penalty of the law.

Under ordinary circumstances, I would have declined to extend clemency until the case had been appealed to the Supreme Court, the new trial it is alleged the Court would have granted had been had, and the case brought before me as a last appeal. However, in this case, the Defendant had no funds to pay Counsel to defend him again, most of the witnesses had moved out of the State, and it would have cost the State a great deal of money to return them, and have another trial. For these rea-

sons, and also in view of the numerous appeals I received in Barnett's behalf, I Commuted his sentence, feeling that justice demanded this action, when a human life was at stake, and when that citizen of the State who was condemned had not been given the benefit of all the recourse open to him through our Courts.

CONNOR, J. B.: Lancaster County. For Commutation of Sentence from Two Years to One Year, see case of D. F. PHILLIPS.

GIBBES, FREDDIE: Charleston County. Death Sentence for Murder Commuted to Life Imprisonment on March 4, 1930. (See HAROLD N. HAYNES, Co-Defendant).

HAYNES, HAROLD N., and FREDDIE GIBBES: Charleston County. Death Sentences for Murder Commuted to Life Imprisonment on March 4, 1930. .

Haynes and Gibbes were convicted of killing a traveling man, L. Clyde Brownlee. Their ages were given by the Clerk of Court as fifteen and seventeen years, respectively. They were originally sentenced to die on the tenth of January. However, I granted them two reprieves, until the seventh of February, and later until the seventh of March, in order that I might have a thorough examination made as to their mental condition. This report was made to me, and it read as follows:

"No evidence of insanity is found, but there is no question about the negroes being feeble-minded. The intelligence of Haynes is that of the average child of between seven and eight years, and Gibbes between ten and eleven years."

The petition also showed, conclusively, that these boys were convicted on circumstantial evidence, and that there was doubt as to their being the slayers of Mr. Brownlee.

Taking into consideration the youth of these boys, the possible doubt as to their guilt, their low order of mentality, as established by the report of the State Hospital authorities, the earnest recommendation in their behalf submitted to me by five members of the Charleston County delegation, the Coroner, a delegation of highly respected colored ministers, and a number of

other well known citizens of Charleston, who pled for their lives, I felt that I was justified in sparing the lives of both of these young negroes.

PHILLIPS, D. F.; CONNOR, J. B.: Lancaster County. Sentence Commuted from two years to one year, on March 25, 1930.

The petitioners were two Peace Officers, who were convicted of Manslaughter in connection with the killing of a man they were attempting to arrest. Connor had been an Officer for about thirty years, and Phillips had served ten years.

Judge T. J. Mauldin, who presided at the trial, in recommending clemency for both of these men, stated:

"This case interested me intensely during the trial of these Officers, who, at the time of the unfortunate occurrence, were actually in the discharge of their duty, as Officers. I am persuaded that they were both energetic in the pursuit of their work, but not unduly so. I think both of them, through developments at the trial, showed commendable zeal in the prosecution of the unpleasant and dangerous work involved in the work of their offices.

"It is said they were not entirely without fault in bringing on the immediate difficulty which resulted in the death of the deceased. It may also be said that an Officer worthy of the name is not expected to cease in the worthy pursuit of his duties simply because a possibly dangerous man is apparently defying the law, and making a spectacle of a situation, with the apparent purpose of belittling the officer.

"Doubtless, the conviction in this case will work a good result. It will, I trust, emphasize the fearful responsibility of officers, and tend to elevate in the public mind the character of men who should be trusted in the exercise of the delicate duties of such places. I think the real and true effect has been accomplished. It was a painful duty to sentence these two men, and the impression I then had I still entertain, and, as I said at that time, with all the facts clearly in mind, I am addressing this letter to the Governor, in the hope that he will intervene where I could not in the true discharge of my duty intervene, and grant the utmost consideration and Executive control."

The petition in behalf of Phillips and Connor, which was presented to me, bore the signatures of nine of the trial Ju-

rors, the Town Council of Lancaster, and numerous good citizens. The Board of Pardons made the following report:

"A perusal of the transcript in this case, indicates a conflict of testimony. We are satisfied, however, from a careful reading of the transcript, that the killing was done by these Officers in pursuance of an attempt to disarm the deceased, J. Y. Harrison, and in defense of their own lives. The testimony on which the conviction was sustained was largely furnished by a colored witness, Joe Hines.

"In view of the recommendation of the trial Judge, and the Peace Officers of the City and County of Lancaster, because of the conclusion of the members of the Board that these men should not have been convicted, and in view of the fact that the conviction is sufficient punishment to men of this type, the Board recommends that a full Pardon be granted."

PARDONS

BANKS, MILTON: Kershaw County. Pardoned on January 19, 1931.

The Board of Pardons made the following report on this case:

"It appears that this prisoner was convicted of Murder, on circumstantial evidence. The entire transcript and a vivid recitation of the evidence was given to the Board by his Counsel. Upon this showing, and in view of the long servitude which the prisoner has given the State, his record, and the recommendations contained in the file, the Board is of the opinion that his sentence should be suspended at this time."

Petitions were presented in this case signed by the Sheriff and other officials and many citizens of Kershaw County, expressing the belief that Banks, having served over ten years, had been sufficiently punished and should be paroled.

The officials of Kershaw County, in whose custody Banks has been, gave him a good record and recommended that he be paroled. The trial Judge is dead. The Solicitor made no recommendation.

This case grew out of the killing on September 3, 1919, of George Gladden. The testimony upon which Banks was convicted was entirely circumstantial, and he was convicted largely

on the claim that his shoes fit into tracks leading from the dead man's body. Banks denied his guilt, and set up an alibi. Mr. Lawrence T. Mills, well known Camden attorney, who assisted in the case after the trial, has worked hard to correct what he has thought was a miscarriage of justice, and in view of all of the facts, and the possibility that Banks might not be guilty, I came to the conclusion that he should be pardoned.

MOUZON, T. M.: Clarendon County. Pardoned on January 1, 1930.

The conviction of Mr. Mouzon for Breach of Trust, with Fraudulent Intention, grew out of the failure of the Bank of Manning. He was sentenced to serve from two to four years.

Eleven of the twelve Jurors, the Sheriff of Clarendon County, and a large number of citizens of Clarendon and other counties, joined in Mr. Mouzon's prayer for clemency, voicing the belief that the two months he had served had been sufficient punishment for him. In showing mercy to this unfortunate man, I felt that the fact that he had to suffer imprisonment at all, and the actual time he had served, in his case amounted to equal punishment with a man of less refinement and sensibilities who served a much longer time.

TEMPORARY PAROLES

CLINKSCALES, ABNER: Anderson County. Sentence Suspended for one month, on June 12, 1930.

Clinkscapes, according to the Sheriff and other Officials of Anderson County, was suffering from Jake Paralysis, and was not expected to live long at the time I released him for one month, in order that he might go home and receive the proper treatment. However, his condition was not as serious as it was thought at the time he was granted this leave of absence, and at the expiration of the month I issued him no further leaves of absence, and he was returned to prison to serve his full sentence.

HOWELL, MABEL: Lexington County. Sentence temporarily suspended, during good behavior, on July 5, 1930, for four months, on condition that she pay to the Clerk of Court of Lexington County a fine of one hundred dollars, on November 1, 1930, after which her sentence would be suspended, during good behavior.

This woman was convicted of Adultery, and sentenced to serve six months or pay a fine of one hundred dollars.

She was unable to raise the fine imposed in her sentence by the time she was required to either serve or pay the hundred dollars. She appeared before me at the time, stating if she could be allowed until the first of November to gather her crop she would be in position to pay the fine at that time. She informed me that she had five children of her own to take care of, and also that her sister had recently died, and she now had four children of her sister's to take care of along with her own. This, of course, made her plea for time to raise her fine doubly appealing, and I followed the dictates of humanity in granting her request, in order that she might remain at home with the children.

However, I am informed that her conduct was not good during the time she was out under Suspension of Sentence, waiting for the time to come when she was to pay the fine imposed upon her, and at the expiration of that suspension, when she was still unable to pay her fine, though she had assured me she could by the first of November, I granted her no further clemency. I understand she was returned to the Chain-gang, and that good citizens of Lexington County made arrangements for the care of the children while she was serving her sentence.

HYATT, KELLY E.: Lee County. Convicted of Forgery and sentenced to twelve months.

By reference to my report on Pardons and Paroles of last year, you will find that this man received clemency several times in the way of thirty day reprieves. During 1930 I also found it necessary to grant several suspensions to him when, in each case, it was shown by certificates of reputable physicians that he was suffering from an advanced case of kidney and heart diseases, and that to return him to the Penitentiary would be dangerous to his life.

LUCKER, WILLIAM: Greenwood County. Temporary Suspension of Sentence granted, from May 5 until October 25, 1930.

After Lucker had served two months of his sentence, upon request of a large number of citizens of Greenwood, I gave him a suspension of his sentence, temporarily, in order that he might appeal to the Board of Pardons for relief. However, no further clemency was granted Lucker, after the expiration of the temporary suspension of his sentence, and he was required to serve the full time imposed upon him by the Courts.

SUMPTER, C. M.: Anderson County. Sentence temporarily suspended, for a period of two months, on December 30, 1930.

I issued this reprieve for Sumpter upon request of Solicitor Harris, who wrote me that Sumpter's family were in destitute circumstances, and without means of support during the cold Winter; and further, that while he could not at that time recommend a permanent suspension of the sentence, he would ask that I let Sumpter go home for two months, to take care of his family, and that he, the Solicitor, would observe his conduct during this temporary parole. I felt that I would be justified in taking this action, in view of the Solicitor's interest in the case. A number of other good citizens of Anderson also sought for clemency for Sumpter.

TODD, PINK A.: Horry County. Temporary Suspension of Sentence, (from April 25 to October 25, 1930) granted on April 25, 1930.

Todd, who was given an eighteen months' sentence for Assault and Battery, with Intent to Kill, is a World War veteran. He was in such bad physical condition that it was necessary to place him in a Government hospital in Memphis, Tennessee, for treatment. A petition, signed by a large number of good citizens of Horry County, interceding in Todd's behalf, because of his illness, is on file in my office. In granting him this temporary parole I was guided by the recommendation of the Board of Pardons, and also the recommendation of the trial Solicitor and Sheriff J. O. Chestnut, who stated that they would like to see the prison term commuted to the payment of a small fine.

REPRIEVES

COLEMAN, RAY: Spartanburg County. Death Sentence Reprieved. See PAUL JOHNSON.

EVANS, JESSE: Marion County. Reprieved for two months, in February, 1930.

At the expiration of his reprieve, however, the Board of Pardons declined to recommend clemency for Evans, who had been sentenced to serve five years for Manslaughter, and he was required to serve his sentence.

GREGORY, HOBART: Greenville County. Death Sentence for Murder Reprieved for one month, in February, 1930.

Gregory, a young white man, killed, by stabbing, another young white man, Rufus Davis, in a Greenville restaurant. Notice of intention to appeal was served on the Solicitor, but due to the ill health and death of the Court Stenographer, there was some delay in securing a transcript of testimony, and Gregory was resented to death on February 1st, the execution to take place February 28, 1930.

Gregory's attorney, according to the petition, had found certain evidence upon which a motion for a new trial might be argued, and acting upon the advice of the trial Solicitor, I granted a reprieve of thirty days, so that this unfortunate young man, who was later electrocuted, might have every possible chance before his death. I also placed Gregory under observation to determine his mental condition, as the question of his sanity was raised, but the report of Dr. C. Fred Williams, Superintendent of the State Hospital, did not indicate that he was insane.

JOHNSON, PAUL, and RAY COLEMAN: Sentenced to Die by Electrocution for Murder, in Spartanburg County.

I twice reprieved these young men, in order that I might have sufficient time to study the facts involved in the case, and also that I might refer the appeal to the Board of Pardons for consideration and investigation.

Few appeals, if any, that have ever been made to me have aroused as much interest as this one, and the petitions that the lives of each be spared were numerous, also the petitions that they be made to suffer the extreme penalty of the law. The cases were given so much publicity that it is unnecessary for me to refer to them more than briefly.

It is needless for me to state that the appeal of these unfortunate young men gave me grave concern. It was, therefore, a painful decision on my part that I should not interfere with the execution of the Court's sentence after the two reprieves had expired. However, I felt that this action was proper, and the report of the Board of Pardons after their deliberations concerning the case, now on file in my Office, supports the position taken by me in the matter.

RESTORATIONS OF CITIZENSHIP AND SUSPENDED SENTENCES LIFTED

BARBER, TOY: York County. Convicted of Petit Larceny, in September, 1929, before Magistrate H. M. Dunlap, Jr.

Upon the request of Solicitor Harry Hines, I granted a full pardon to Barber on March 3, 1930, so that he might be used as a witness in the General Sessions Court in Chester County. He had served his sentence. In addition to enabling the State to use him as a witness, I felt that a pardon to restore citizenship would make of this young man a better citizen and help to elevate him to his former place in life.

BIGBY, BOB: Anderson County. Pardoned, on November 19, 1930, for the purpose of restoring his citizenship.

Solicitor L. W. Harris requested this Pardon. Bigby has a bad record, and has been convicted of several other offenses. However, the Solicitor needed his testimony to convict his co-defendants in a cotton stealing case, which involved a considerable amount of cotton, and Bigby promised to plead guilty and testify against the others involved. As the Solicitor stated in his letter to me, the restoration of his citizenship would not do any harm, for the reason that Bigby would again lose his Civil

rights after pleading guilty to cotton stealing, and being convicted, and to restore them to him during the trial would enable Bigby to testify, and thus aid in the conviction of the other Defendants on trial.

BRAMLETT, HUGH: Greenville County. Pardoned on March 6, 1930.

On September 28, 1928, I granted Bramlett a parole, during good behavior. At the time he was serving a life sentence for Murder, imposed upon him in January, 1921.

The Senator from Greenville County, the County Supervisor, Messrs. E. M. Blythe and B. F. Martin, well known attorneys of Greenville, presented to me letters testifying to the good conduct and strict sobriety of Bramlett since he left prison, and also that he was taking care of his wife and children. Other good citizens of Greenville County, who were familiar with the circumstances surrounding Bramlett's crime, petitioned for clemency in his behalf. In view of the belief of these good citizens that Bramlett had thoroughly repented of his deed, and would lead a clean, law-abiding life in the future, I felt that I would be justified in granting him a full Pardon.

DUNCAN, EARL, and EMANUEL JOHNSON: Chesterfield County. Pardoned on September 8, 1930.

While these petitioners had still a few days of their sentences unserved, the Pardon granted them was for the purpose of restoring their citizenship. The trial Solicitor of their Circuit wrote me that he needed their testimony in the prosecution of cotton stealing cases, and that their testimony would be most helpful to him.

The offense of these men, negroes, was Grand Larceny, and they were sentenced to serve nine months.

EVANS, FRANK: Calhoun. Citizenship restored on January 11, 1930.

Evans served a sentence of three and a half years for Grand Larceny sometime ago. He was Pardoned upon request of So-

licitor Hydrick, who needed his testimony as an important witness in a criminal case he was prosecuting for the State.

GILSTRAP, AARON: Pickens County. Pardoned on February 17, 1930, in order to restore his Citizenship.

Gilstrap was convicted a number of years ago before a Magistrate's Court in Pickens County and so far as the records show, he served the sentence imposed upon him. He was a lad of fifteen years of age when the offense was committed, and it is believed by many that he was led into the crime by an older head. Gilstrap has now grown to manhood, and has led a law-abiding life since this deviation from the right in his boyhood. It would be grossly unfair to him to deprive him longer of what every true man values highly, his citizenship. I, therefore, took great pleasure in Pardoning him. My action was concurred in, and recommended, by the Board of Pardons, the then Senator, and one of the House Members of Pickens County, and a large number of citizens who know Gilstrap, and know that he has become a law abiding citizen, and is worthy of this trust.

HARRISON, BAYLIS W.: Greenville County. Pardoned, for the purpose of restoring his citizenship, on January 12, 1931.

The case of Harrison is well known throughout the State. He was convicted of forgery in connection with the State Warehouse receipts. He was given a sentence of four and a half years under the Indeterminate Sentence Law. In accord with this law, the Board of Pardons, upon his establishing a good prison record, and also complying with other conditions, released him on parole during the last half of his sentence. However, that time has now expired also, and the Pardon was merely for the purpose of restoring his citizenship.

Harrison's conduct has been excellent since he left prison. I believe he has learned his lesson, and that he will not again do wrong.

HAWKINS, LOUIE: Spartanburg County. Pardoned, for the purpose of restoring his citizenship, on January 13, 1931, upon the following request of Solicitor Watt:

"My criminal Court is now in session. Louis Hawkins has been heretofore convicted on disqualifying offenses, and has served his sentence. He is a very material witness in one of two important cases that I wish to dispose of at this term of Court. I will thank you to grant him a pardon for the purpose of restoring his citizenship, in order that I may use him as a Witness. Enclosed herewith you will find a record of his conviction."

HOPKINS, TIM: Richland County. Pardoned for the purpose of restoring his citizenship, on January 4, 1931. This was done upon request of Solicitor A. F. Spigner, who stated that he needed the testimony of Hopkins in Court.

JENKINS, HUGH: Spartanburg County. Pardoned, for the purpose of restoring his citizenship, on April 11, 1930.

Jenkins served a sentence of six months in 1924. His testimony was needed in the case of the *State vs. Albert Wertz, Jr.*, and Solicitor Blackwood stated that it was of vital importance to the case to be able to use Jenkins as a witness. For this reason the Pardon was granted.

JOHNSON, EMANUEL: Chesterfield County. Pardoned on September 8, 1930. See the record of EARL DUNCAN, a co-defendant, Pardoned the same day.

LANGSTON, W. T.: Anderson County. Pardoned, for the purpose of restoring his citizenship, on December 22, 1930.

This Pardon was issued upon request of Solicitor L. W. Harris, in order that he might use Langston's testimony in Court. He was without rights of citizenship, for the reason that he had been convicted of Larceny of an Automobile. He had served the sentence imposed on him, however.

LOCKE, G. C.: Anderson County. Pardoned, for the purpose of restoring his citizenship, on January 13, 1931, upon request of Solicitor Harris, who needed him as a witness for the State.

Locke had served a sentence of six months for Breach of Trust and Grand Larceny in the year 1924.

LOWDER, HUGH: Florence County. Pardoned, for the purpose of restoring his citizenship, on August 14, 1930.

Lowder had been convicted of Petty Larceny in Magistrate's Court some time ago, and had paid the fine imposed upon him in lieu of serving the thirty day sentence.

I issued this Pardon upon recommendation of Senator Arrow-smith and other citizens of Florence County, who felt that Lowder, in view of his good conduct since this occurrence, was worthy of having his civil rights restored.

MILLER, L. G.: Spartanburg County. Pardoned on January 16, 1931.

Miller was sentenced to serve five years, on three cases of Conspiracy and Breach of Trust, with Fraudulent Intention, and Grand Larceny the three sentences to run concurrently.

Miller had served four years and nine months in the State Penitentiary, and had made a good prisoner. The Superintendent of the Penitentiary and the Board of Directors recommended his full pardon.

The case was recently submitted to the Board of Pardons, and there was a favorable recommendation by two members of the Board who requested his parole. One member opposed it.

It will be recalled that those associated with Miller in these cases have all received Executive Clemency. The file in the Miller case will show that a great many of the most responsible citizens of Spartanburg requested, many months ago, that Executive Clemency be exercised. The petition also shows that Senators and Members of the House of Representatives from other counties urged Executive Clemency. The records also show that the prosecuting attorneys united in the prayer of the petitioner. Miller's conduct as a prisoner has been excellent. The trial Judge, Honorable R. E. Babb, recommended clemency, as did the trial Solicitor. The Honorable I. C. Blackwood, and Judge T. S. Sease on November 28, 1930, added his request for a pardon as a private citizen. This case has been carefully con-

sidered by me. I believe that the ends of justice have been met, and that Mr. Miller is entitled to a full pardon.

POOLE, ZEDDICK: Anderson County. Pardoned, for the purpose of restoring citizenship, on February 7, 1930.

Poole, during the year 1909, when he was quite young, was convicted of Petit Larceny, and paid the fifteen dollar fine imposed upon him. Since that time his conduct has been all that it should be, and a number of those who have been associated with him petitioned me to Pardon him. Two members of the General Assembly from Anderson County signed the petition.

POSTON, J. T.: Williamsburg County. Convicted of Larceny, and sentenced to serve four months. Pardoned, for the purpose of restoring his citizenship on June 5, 1930.

Frequently, the Solicitors find it necessary to ask for a Pardon to restore citizenship to those who have not the right to testify, in order to use them as witnesses for the State. Unless there are some particular reasons to the contrary, I act on the recommendations of the Solicitors in this respect, feeling that they would not ask for this unless the State's best interests would be subserved thereby. Poston's Pardon was one of these cases, which I granted upon request of Solicitor McLeod, in order that he might use him as a witness.

RAWLS, L. K.: Edgefield County. Pardoned on January 20, 1931.

Rawls had been sentenced to serve five and a half years to eleven years under the Indeterminate Sentence Law of 1925, and had been released, under that law, by the Board of Pardons, after he had served his minimum sentence. The maximum sentence had almost expired when I Pardoned him. I felt that he was entitled to this Pardon, in view of his good conduct since his release from prison, and that he would conduct himself in a manner worthy of a good citizen if his civil rights were restored. His offense was House-breaking and Larceny.

RAY, GEORGE W.: Georgetown County. Pardoned on January 16, 1931.

This Pardon was granted for the purpose of lifting a suspended sentence which Ray has had hanging over him since 1928, when I granted him a suspension of his sentence, during good behavior. He did not, of course, need a Pardon for the restoration of his citizenship, in view of the fact that the crime of Manslaughter, for which he was convicted, does not rob the convicted one of citizenship. Reference to my 1928 report will show the circumstances under which Ray's sentence was suspended. Ray's conduct has been good since he left the Penitentiary, and I felt him to be deserving of a Pardon.

RAY, WILL: Spartanburg County. Pardoned, for the purpose of restoring his citizenship, on April 21, 1930.

I issued this full pardon, in order to restore Ray's civil rights, he having been deprived of them since he was sixteen years old, when he was convicted of House-breaking and Larceny in 1917, and was sentenced to serve six months. I felt that the youth of this petitioner at the time of his offense, the good reputation he has established since that time, and the recommendation of Solicitor Blackwood were a sufficient basis for the granting of this Pardon.

SABAGGA, GEORGE: Richland County. Pardoned, for the purpose of restoring his citizenship, on January 20, 1930.

Sabagga pleaded Guilty of Printing, Publishing, Selling, Having in his Possession, and Distributing certain indecent and improper pictures, etc. His sentence was six months, with five months suspended, upon the payment of a fine of thirty-five dollars, and the service of thirty days. He served his sentence, and paid his fine at the time of his conviction in May, 1916. Since that time he has obeyed the law, and I felt that he was worthy of having his civil rights restored. The trial Judge and the Solicitor concurred in this opinion.

SPENCER, JAMES: Cherokee County. Pardoned, for the purpose of restoring his citizenship, on January 20, 1931.

Spencer had served a sentence for Forgery, imposed upon him in November, 1926. Upon request of a number of good people, who are familiar with Spencer's conduct since his return to civil life, I restored his citizenship, feeling him to be worthy of having this trust imposed in him, and that he would continue to be worthy of exercising the rights of citizenship.

TALLEY, WESLEY: Spartanburg County. Pardoned for the purpose of restoring his citizenship, on October 17, 1930, in order that the Honorable I. C. Blackwood, then Solicitor, might use his testimony in the prosecution of one of the State's cases.

Talley had pleaded guilty of House-breaking and Larceny in 1921, and had served the sentence imposed upon him of seven months.

WILLIAMS, ROBERT LEE: Chester County. Pordoned, for the purpose of restoring his citizenship, on March 8, 1930, upon request of the Sheriff and Solicitor Hines, who needed his testimony as a witness in one of the State's cases.

Williams had served his sentence of three months, in 1926, for Larceny.

PAROLES AND SUSPENDED SENTENCES REVOKED

CARRAWAY, JOHN: Suspended sentence revoked on September 8, 1930.

Carraway had been convicted of Manslaughter in October, 1925, and was sentenced to serve not less than seven nor more than fourteen years.

On February 28, 1930, I suspended this sentence during good behavior. Carraway was convicted of whipping a step-child, while in a weakened condition, and the child died several days after the whipping, after being placed in a hospital. The physicians who testified differed as to the probable cause of the child's death, some holding that it was the result of the whipping, others the disease with which the child was afflicted. The trial Solicitor in writing of the case said:

"I was very severe, vigorous and possibly hard-boiled in handling this case, and I fear that I was too much so. I refused to recommend clemency when it was first placed before the Pardon Board. However, since that time it has given me considerable worry and I have requested that it be re-heard. The man has been sufficiently punished and I recommend that he be paroled at once. I do not hesitate in taking full responsibility for a parole. He has no funds and few friends. The main witness for the State, Dr. Floyd, has signed the petition and all of the Jurors, and all of the County Officials have signed it."

On the strength of the Solicitor's strong recommendation, I suspended the sentence of Carraway. On August 4, 1930, Solicitor McLeod wrote that he had information that Carraway had gone to drinking, that he had been making threats against the witnesses who testified against him in the trial, and was carrying a pistol and making himself obnoxious to the people of the community. Dr. Floyd stated that Carraway was giving trouble. He and the Solicitor requested that this case be investigated and I had this investigation made by two State detectives, who reported:

"We find that the facts stated in these letters can be substantiated by a number of reliable citizens in the community."

Accordingly on September 8, 1930, I issued an order revoking this suspended sentence and Carraway was returned to the State Penitentiary.

CORBIN, FRED J.: Oconee County. Parole Revoked on January 27, 1930.

Reference to my 1928 Pardon Report will give my reasons for suspending Corbin's sentence during that year, and the grounds upon which my action was based. Corbin had been tried and convicted of House-breaking and Larceny, and was sentenced to serve twelve and a half years in 1924.

Upon receipt of information that Corbin had been convicted of Stealing an Automobile in the State of Florida, for which he was sentenced to serve five years, I immediately wired the Florida authorities that he was a paroled prisoner, and to return him to this State, and revoked the suspension of sentence granted him. He, therefore, is now in the Penitentiary, serving his full sentence. The time which lapsed during the months

Corbin was away from the Penitentiary was not deducted from his sentence, but the suspension merely released him, during good behavior, from serving the remainder of his sentence. When the term of "good behavior" was violated, of course he had to pick up the serving of his sentence where it was interrupted.

MANGUM, CLIFTON: Kershaw County. Parole revoked on October 22, 1930.

Mangum, while serving a nine months' sentence on the Chain-gang, for Manufacturing Liquor, underwent an operation for Appendicitis, according to Dr. S. F. Brasington of Camden, and he was, therefore, unfit for prison life. He had, at the time, served a large part of his sentence, and I felt that, owing to his condition, he was entitled to mercy. For this reason I granted him a Suspension of his Sentence on May 6, 1930.

However, upon receiving reports from the Sheriff of the County, subsequently, that Mangum was not living up to the condition of "Good Behavior," imposed upon him, I revoked his Suspension of Sentence, and he was returned to the Chain-gang to serve that portion of his sentence which had been suspended by me.

PRATT, GBOVER: Kershaw County. Revoked Suspension of Sentence on March 28, 1930.

Pratt was returned to prison, for the reason that he failed to live up to the obligation of good behavior imposed in his parole. He was convicted in Recorder's Court of carrying a pistol.

The suspension of his sentence, which was recalled, was issued on March 3, 1929. He had been serving a six months' sentence for violating the Prohibition Law, and was granted clemency for the reason that he was in such bad physical condition as to be a burden to the County authorities. The Board of Directors, and the Sheriff of Kershaw County, for this reason asked that he be released. The trial Solicitor also recommended clemency for him.

WILLIAMS, JOHN PAT: Kershaw County. Suspended Sentence Revoked on October 9, 1930.

Williams had pleaded guilty of Violating the Prohibition Law, in July, 1928, and was sentenced to serve seven months. However, I suspended his sentence on the 31st of July, when the trial Solicitor, the Sheriff of the County, Clerk of Court, Superintendent of the Chain-gang, the Jailer, Foreman of the Grand Jury, interceded in his behalf, stating that he had been of material assistance in an attempted jail delivery, and had otherwise made an excellent prisoner.

However, later, on October 9, 1930, I learned through the Sheriff that Williams had been caught stealing chickens, and had been tried and convicted for this offense. I promptly revoked the order of suspension granted him, and he was required to serve the full sentence imposed upon him for Violating the Prohibition Law, as well as the sentence imposed upon him for stealing chickens.

RECAPITULATION

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